

On the Basis of Sex

by  
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Based on a true story

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OVER BLACK:

Driving, martial music. Horns and drums. Male voices join in. It's the Crimson fight song "Ten Thousand Men of Harvard."

**CREDITS BEGIN.**

EXT. HARVARD CAMPUS - LANGDELL HALL - DAY

Through a park-like quad, under a canopy of elms, well groomed (white) MEN (20s) march toward a limestone building.

*Ten Thousand Men of Harvard want victory today....*

They wear gray suits and narrow ties. With glasses and pipes. They're the future leaders of America. And in their jovial, cocky grins it's clear they know it.

*For they know that o'er old Eli, fair Harvard holds sway...*

But there's a pair of heels among their polished loafers. And amid their clean-shaven faces, a hint of long, brown hair.

*So then we'll conquer all old Eli's men...*

She slows her step. Letting the men pass.

RUTH BADER GINSBURG (23) is petite, lean. And striking. She takes in the size of the place, its grandeur. And is awed.

*And when the game ends, we'll sing again...*

Shoulders back, proud she rejoins the stream of men entering the building.

*Ten thousand men of Harvard gained victory today!*

**MAIN TITLE:            ON THE BASIS OF SEX**

INT. LANGDELL HALL - AUDITORIUM - DAY

ERWIN GRISWOLD (52) is on stage at a podium too small for his stature. Above him, a banner: "Welcome Class of 1959."

GRISWOLD  
Settle down, please. ... Be seated.

**SUPER:** 1956

As the crowd quiets... Ruth smiles politely to the man she's settling beside. He stares. Plainly confused by her presence.

GRISWOLD

I am Dean Erwin Griswold. It's my pleasure to welcome you to orientation. And to Harvard Law. Take a moment to look around you. At your classmates...

Ruth does. There are over five hundred people in this grand room. Only nine of them women.

GRISWOLD (CONT'D)

Together, you will become lawyers. That is a privilege you share. And a responsibility that you accept.

Ruth takes a deep breath. Hanging on every word.

GRISWOLD (CONT'D)

Consider: what does it mean to be a Harvard man? A Harvard man is intelligent, of course. But he is also tenacious. He is a leader devoted to the rule of law. He is mindful of his country. Loyal to tradition. And he is respectful and protective of our institutions.

There's determination in her gaze.

INT. RECEPTION HALL - LATER

Young men and professors mingle over drinks.

Ruth is to the side. Sipping wine beside EMILY (21). Blonde and athletic, she towers over Ruth like an Amazon.

EMILY

Father, he's a judge back in Cleveland, he's still involved with the school -- alumni events and whatnot. Well he warned me Civil Procedure's the class to watch out for. The professor's supposed to be some sort of hyper-perfectionist.

(she downs her drink)

Are you nervous?

Not one for schmoozing, Ruth collects her thoughts.

RUTH

I'm ready. At least I think I am.

EMILY  
Yeah. Yeah. Me too.

She looks around. Then leans in to Ruth conspiratorially.

EMILY (CONT'D)  
Hey. Do you know where the ladies  
room is?

RUTH  
There's one across the quad. In  
Austin Hall. It's next to the  
maid's closet downstairs.

Ruth notices Griswold working the room. As he, too, notices them. And excuses himself from a conversation.

Emily takes off. As Griswold approaches. His smile disarming.

GRISWOLD  
I trust she's not fleeing from me.

RUTH  
Oh. No. She, uh --

GRISWOLD  
I'm Erwin Griswold.

The hand he offers engulfs hers completely.

RUTH  
...Ruth Ginsburg.

GRISWOLD  
Welcome to Harvard, Miss Ginsburg.  
From where are you coming to us?

RUTH  
Mrs. Ginsburg, actually. New York.

GRISWOLD  
Ah... Yankees or Dodgers?

RUTH  
I'm not really... my father's still  
celebrating. We're from Brooklyn.

GRISWOLD  
He must be proud you're here. What  
kind of law does he practice?

RUTH  
He sells ladies' coats.

It's not the pedigree he was expecting.

GRISWOLD

Really? ... I have a favor to ask.  
I am sometimes invited to respond  
to a question, which you may be  
better suited to answer than I.

Ruth sips her drink nervously.

GRISWOLD (CONT'D)

How do I justify giving a place at  
this school to a woman that could  
otherwise go to a man?

Ruth stares. Stunned. A thousand thoughts... but no answer.

GRISWOLD (CONT'D)

There's no pressure. I'm asking all  
the ladies. ... Well. Excuse me.

Griswold smiles coolly and walks off. Leaving Ruth to stew.

INT. GINSBURG HARVARD APARTMENT - BEDROOM / BATHROOM - DAY

Cluttered. Comfortable. Borrowed furniture placed like a  
jigsaw puzzle. Books and museum posters.

Ruth is before a BEDROOM mirror, wrapped in a towel, her hair  
wet. Pondering two blouses.

RUTH

I just stood there. What I SHOULD  
have said was...  
(playing a 'dutiful wife')  
Sir, my husband is studying law a  
year ahead of me. And with a  
Harvard degree, I'll be more  
scintillating for him when he gets  
home at the end of the day.

Her husband, MARTIN (24), shaving in the BATHROOM, laughs.

MARTIN

He probably would have signed his  
wife up. You could have studied  
together!

RUTH

The nine women in that room fought  
tooth and nail to get here. We came  
to become lawyers! Why else?!

She takes a breath and presents him the shirts.

RUTH (CONT'D)

Which one makes me look more like a  
'Harvard Man'?

He comes in a for a closer look, his expression both playful and reprimanding. That's the man in a nutshell. He is tall, classically handsome - and he sees through the world, delighting in its ironies.

As he takes her in his arms...

MARTIN

I for one am glad you look nothing  
like a Harvard Man.

She laughs. As he kisses her.

RUTH

I just want to look like a lawyer.

He kisses her again. Deeply. Dropping the shirts, she wraps her arms around him. Until...

From a crib in the room, JANE (1) cries. Reluctantly Ruth pulls away. And picks up the baby.

She smells Jane's diaper. Sure enough...

Ruth unsnaps Jane's cloth diaper. On cue, Martin hands her a damp towel. She cleans Jane. He gets a fresh diaper.

RUTH

Marty. What did we say about  
peaches?

MARTIN

She likes them.

RUTH

They don't like her.

Ruth tickles Jane's belly. And they switch. Martin puts on a new diaper, while Ruth rinses the soiled one in the toilet.

JANE

Ba-ba. Pfft.

MARTIN

(to Jane)

Oh, really?! You're welcome to put  
it on yourself.

(to Ruth)

(MORE)

MARTIN (CONT'D)

You've been warned, Kiki (pr: Kick-EE). This one has strong opinions.

Finished, he picks Jane up.

MARTIN (CONT'D)

You must get that from your mother.

INT. LECTURE HALL - DAY

Professor ERNEST BROWN (50), in a three-piece suit and bow tie, clutches the podium. He's a gentle, intelligent man, and lectures like it - in a precise, slightly southern drawl.

BROWN

Justice is not a set of ideals. It is a performance. Played by judges and citizens. And lawyers.

Casting a wary eye at her CLASSMATES, Ruth sits taller.

BROWN (CONT'D)

Today we'll study this performance in relation to property tax. To quote your text: "Land, like woman, is meant to be possessed." Yet government taxes land and evicts for non-payment. Is that just? To start, who really owns it -- the purchaser or the government?

Ruth raises her hand. A CLASSMATE, noticing her, calls out:

CLASSMATE 1

The government does.

Ruth lowers her hand.

BROWN

But his name's on the deed.

CLASSMATE 1

If he can be removed, his ownership is in name only.

BROWN

(checking a seating chart)  
Well argued Mr... Kirkpatrick.

This time Ruth's hand shoots up.

BROWN

Mr. Hicks.

CLASSMATE 2

But the government does not limit  
WHO can purchase property.

BROWN

Ah. The makings of a debate!

Ruth raises her hand once more. The only one up.

BROWN (CONT'D)

Let's see whose argument holds -- A  
question already ... Mrs. Ginsburg?

RUTH

Government DOES limit who can buy  
property. Often, married women  
cannot.

BROWN

You'll be glad to learn the Married  
Women Property Acts dealt with that  
particular inequity. A century ago.

The class CHUCKLES.

RUTH

Excuse me. They did not.

He scrutinizes her over his glasses.

RUTH

... Banks still may refuse women  
credit. We can't buy anything, if  
we can't get a mortgage.

CLASSMATE 3

Your husbands can.

RUTH

That's not the same.

CLASSMATE 1

Don't tell her husband that!

BROWN

Let's say, all things being equal,  
there is no limit on who may buy  
property. Page thirty-six.

He turns, scribbling "Property Tax" on the board. And the  
class moves on. Except Ruth.



INT. LANGDELL HALL CORRIDOR - LATER

Ruth presses her way out amidst her classmates. On her toes. Searching. Until she eyes Brown, turning a corner.

RUTH

Professor Brown. Professor! Excuse me. I don't understand. Doesn't the Fourteenth Amendment say all people are entitled to equal protection under the law? So, all things being equal --

BROWN

'Equal Protection' refers to freed Negro slaves. It has nothing to do with women.

(off Ruth's look)

According to the Supreme Court. In *Goesaert v Cleary*.

She considers this. Then opens her notebook to write it down.

RUTH

G-O-S-?

BROWN

There's no need to look it up.

She remains poised to write.

BROWN (CONT'D)

G-O-E-S-A-E-R-T... v *Cleary*. Also *Muller v Oregon*. *State v Heitman*.

Ruth continues to take down this list, fervently.

BROWN (CONT'D)

Mrs. Ginsburg. If you genuinely aspire to be a lawyer --

RUTH

I do.

BROWN

Then I urge you not to be distracted from your course work.

He indicates the notebook and moves on. Ruth watches him go.

EXT. HARVARD YARD - DAY

Weeks have passed. Autumn is at its peak.

MARTIN (O.S.)  
I can't study anymore. I'm  
exhausted...

INT. HARVARD LAW LIBRARY - CORNER TABLE - DAY

Ruth and Martin are secluded by a fortress of piled books.

Martin reaches for her hand. And she offers it. Her eyes never lifting from her law book.

MARTIN (CONT'D)  
Please can we go home. Before the  
sitter costs more than our tuition.

RUTH  
Listen to this. Man burns his hand.  
A doctor guarantees him "a hundred-  
percent good hand," if he allows  
the doctor to perform surgery. He  
does. And ends up with a palm that  
grows hair, because the doctor  
grafted skin from the man's chest.

MARTIN  
The moral being: a hand with a burn  
is worth two with a bush.  
(off Ruth's giggle)  
It's Hawkins v McGee. I learned it  
as a first-year, too. I'll tell you  
all about it... *on our way home.*

RUTH  
The doctor should owe expectation  
damages. I need to check a citation  
on assumption of risk.

She's gone. Martin grimaces.

INT. HARVARD LAW LIBRARY - STACKS - MOMENTS LATER

Ruth finds a volume of the United States Reports. Opens it.

INT. HARVARD LAW LIBRARY - CORNER TABLE - MOMENTS LATER

She returns from the stacks with the volume open.

RUTH  
Listen to this. "A plaintiff --

She freezes. Terrified.

Martin is sprawled across the floor. His chair on its back beside him.

Ruth drops the book and runs to his side.

RUTH  
Help! Someone help me!

INT. EMERGENCY ROOM - NIGHT

Chaotic. Ruth trails a matriarchal NURSE.

RUTH  
He was fine. He was just -- We were studying... And --

She glances at a woman moaning, abandoned on a stretcher. The Nurse flags down a DOCTOR (50).

NURSE  
Doctor! This is Mrs. Ginsburg.  
You sent her husband to X-ray.

DOCTOR  
Mrs. Ginsburg. Perhaps we should find someplace quiet to --

RUTH  
What happened? What's wrong?

DOCTOR  
We don't know yet. We seem to have gotten the pain under control.

It's almost too much for her.

RUTH  
Pain? He never said...

DOCTOR  
We've sedated him. I'm going to keep him here so we can run tests. Mrs. Ginsburg, I suggest you go home. And get some rest.

RUTH  
No. I'm not leaving him. Not without answers.

DOCTOR  
At the moment, I don't have any.

INT. GINSBURG HARVARD APARTMENT - NIGHT

Ruth pays off a frustrated baby sitter. And closes the door behind her. The apartment is eerily quiet.

Ruth enters THE BEDROOM. And watches Jane sleeping behind the bars of her crib. She gives a little cry in her sleep.

RUTH

Shh. Daddy will be home soon. It's all going to be okay.

She stifles a sob. And lies down atop the covers - on a far side of the otherwise-empty bed. Terrified and alone.

INT. HOSPITAL ROOM - DUSK

Bright. Antiseptic. A pile of textbooks beside the bed.

Martin is under the covers, reading. In a chair beside him, Ruth holds a textbook as well. But watches her husband.

DOCTOR WYLAND LEADBETTER (50) enters. He's broad and clean-shaven, full of genial self-confidence.

DR. LEADBETTER

Good evening.

As he grabs an empty chair on the far side of the room, he glances at the book in Martin's hands...

DR. LEADBETTER

Principles of Corporate Partnership and Business Taxation? I thought medical textbooks had dry titles.

(to Ruth)

You must be Mrs. Ginsburg. Don't get up. I'm Wyland Leadbetter. Head of Urology.

He sits in the chair he's brought over.

MARTIN

Well, Doc?

DR. LEADBETTER

I'm afraid the growth is cancerous.

Ruth takes Martin's hand, anxiously.

DR. LEADBETTER

But we caught it early, so there's a fighting chance.

(MORE)

DR. LEADBETTER (CONT'D)  
I'll perform a series of surgeries,  
each followed by a course of  
radiation therapy. Marty, I'm  
afraid you're in for an unpleasant  
experience.

Ruth looks from Martin to Leadbetter. Bravely.

RUTH  
When do we begin?

DR. LEADBETTER  
The sooner the better. I'd like to  
start tomorrow.

Ruth nods her agreement. And Leadbetter rises to go.

MARTIN  
The thing is, Doc. I've been  
studying for midterms.

RUTH  
Marty.

MARTIN  
I just want to hold off ten days.

Leadbetter recognizes the intensity on Martin's eyes.

DR. LEADBETTER  
I'll tell the nurse to discharge  
you in the morning. Ten days.

INT. HOSPITAL CORRIDOR - MOMENTS LATER

Leadbetter is walking down the hall, when Ruth appears.

RUTH  
Doctor Leadbetter.

He turns. As Ruth approaches.

RUTH  
You said the sooner the better. I  
can convince him. I can talk to his  
professors. I'll slash his tires.  
If it will make even the slightest  
difference... My mother withered  
away for four years. My husband is  
NOT going to go through that.

DR. LEADBETTER  
Did she... ?

RUTH

The night before my high school graduation.

The cruelty of it strikes him.

DR. LEADBETTER

You should be prepared. The survival rate for testicular cancer is less than five percent.

Ruth stumbles. Leadbetter helps her into a nearby chair.

DR. LEADBETTER

Marty should do the things that are important to him... while he can.

INT. LECTURE HALL TWO - DAY

Professor FREUND (48), black-hair, broad, lectures before a full class. His voice resonant.

FREUND

The doctrine of *stare decisis*, as we all know, comes from English Common Law...

The door CREAKS. And Ruth enters sheepishly. As Freund continues lecturing, he watches her find a seat in back.

FREUND (CONT'D)

Which also provides the first examples of circumstances when precedents may be overturned. Judges are bound... Excuse me. May I help you?

RUTH

I'm Martin Ginsburg's wife. I'll be attending his classes for him.

Freund seems shaken by it. As do his students.

FREUND

In addition to your own?

The look in her eye leaves no room for negotiation. Freund is moved. He nods his consent and resumes his lecture.

FREUND (CONT'D)

...Ah yes. Judges are bound by precedent. But cannot ignore cultural change.

Ruth begins scribbling notes.

FREUND (CONT'D)

A Court ought NOT be affected by  
the weather of the day, but will be  
by the climate of the era.

MARTIN (O.S.)

(weakly)  
Wait. Wait. Say that again...

INT. GINSBURG HARVARD APARTMENT - NIGHT

The LIVING ROOM and DINING ROOM are one and the same. Ruth sits at the dining table with a typewriter and coffee.

RUTH

(reading her notes aloud)  
A Court ought not be affected by  
the weather of the day, but will be  
by the climate of the era.

Martin is sprawled on the couch. His chalky skin blotched in sweat. He is much too thin. And struggles to breathe.

MARTIN

You're sure that's -- Of course.

He closes his eyes and catches his breath. It's exhausting.

MARTIN (CONT'D)

The law is never finished. It is a  
work in progress. And ever will be.

As he dictates, Ruth types, adding to a mostly-written page.

MARTIN (CONT'D)

In Brown v Board of Education  
(1954), the Supreme Court  
overturned its own precedent...

End of the page. She loads another. But Martin doesn't wait.

MARTIN (CONT'D)

Representing Oliver Brown, et. al.,  
Thurgood Marshall educated the  
Court about the burdens created by  
segregation --

RUTH

Slow down! ... Would you hold on?!

He drops his head to the pillow. Catching his breath.

MARTIN

Ugh. You type like an invalid.

RUTH

Educated the Court about...

She waits, fingers poised over the keys. ... Silence. Checking, she finds Martin lying perfectly still. Anxiously, she crosses the room...

He's asleep. His breath shallow. Relieved, Ruth tucks him in. Kisses his forehead. And returns to the table.

She takes a slow sip of coffee. Then she removes the page from the typewriter, stacks it with others, and puts them all into a folder, labelled "Martin."

She opens another folder: "Ruth." Loads a half-typed page into the machine. And resumes her work in the quiet dark.

DISSOLVE TO:

EXT. HARVARD CAMPUS - LANGDELL HALL - DAY - 18 MONTHS LATER

The sun-drenched elms blossom green, the last clumps of snow clinging to their bases. Campus is in bloom.

Ruth and Martin walk together. Ruth's in a suit. And Martin - though thinner - is clearly well. Jane (3 now) runs ahead.

RUTH

It's a great firm. And New York is the center of the legal universe.  
(to Jane, who's escaping)  
Jane! Jane! Not too far.

Ruth trots after her. Picking her up and carrying her back. As they come to a stop before the law school.

RUTH

You earned this. You worked hard.

MARTIN

YOU worked hard. I just survived.

She takes a deep breath. And glances warily at the building.

INT. DEAN GRISWOLD'S OFFICE - DAY

A room with history. Daunting. Regal. Griswold sits at his desk. Ruth, tiny in an oversized chair, looks him in the eye.



GRISWOLD

You want us to grant you a degree,  
though you plan to complete your  
coursework at another institution?

He shakes his head. But this time, Ruth is prepared.

RUTH

Dean Griswold. Between the first  
and third year of law school, which  
would you say is the more pressing?  
More educational? More important?

GRISWOLD

The first. Of course.

RUTH

Yet when someone transfers in as a  
second-year student -- having taken  
the more important classes  
elsewhere -- he's given a Harvard  
degree. Doesn't it only make sense  
then that since I completed my  
first two years here, I should be  
entitled to the same?

GRISWOLD

You have another option. Martin can  
go to New York, while you and the  
child remain here.

RUTH

No. Marty's doing well. But his  
doctors can't rule out a relapse.  
What happens if we're apart and...  
You've allowed this in the past.

GRISWOLD

I'm sorry. If this were a job  
opportunity for you, and you were  
the provider for your family --

RUTH

This *is* my family.

GRISWOLD

Which your husband will support.  
It's my job to protect the  
distinction of a Harvard education.  
Now if *Columbia* is willing to grant  
you a degree... Well it's no  
Harvard, but that's your decision.

EXT. CAMBRIDGE STREETS - LATER

Ruth near tears. The weight of it pressing down. She slows...

Ahead of her is a playground. She watches Jane climbing on a jungle gym. And Martin spotting her from below. He notices Ruth. And smiling, waves.

Ruth forces a smile. And waves back.

DISSOLVE TO:

EXT. MIDTOWN MANHATTAN - THIRD AVENUE - DAY

New construction - concrete office buildings going up beside squat, brick pubs and luncheonettes. A blue collar neighborhood being actively transformed.

Ruth, in a suit and heels, a briefcase in hand, is a woman on a mission. Through bustling pedestrian traffic, she passes the Baronet Theater. Its marquee advertises *Room at the Top*.

**SUPER:** 1959

EXT. OFFICE BUILDING - DAY

She stops outside its rotating doors. There is no awe in her stare, as there was outside Langdell Hall. And the steadying breath she takes isn't optimistic. She enters.

INT. GREENE'S OFFICE - DAY

GREENE (45), a big man, a street-wise lawyer, is reading Ruth's resume.

GREENE

Jesus, Mary and Joseph. Two years at Harvard. Graduating from Columbia. Law Review at BOTH?! I didn't even know that was possible.

He looks up at her at last.

GREENE (CONT'D)

You realize you'd be bored to death here.

RUTH

I'm sure you have interesting clients.

GREENE

No. I've got run-of-the-mill clients. They pay the mortgage.

He puts down the resume.

GREENE (CONT'D)

You want some white-shoe firm downtown. Big-money cases and complex legal questions.

RUTH

(with growing frustration)

There are fourteen firms like that in the city. Six won't hire women. Two told me being a mother would keep me from doing my job well. One partner said he closes clients in the locker room at his club - so I'd be out of the loop. A week ago I was told women are too emotional to be lawyers. And that same afternoon, that a woman graduating number one in her class must be "a real ball buster," and wouldn't make a good colleague.

Unburdened, she lets out her breath. And grows embarrassed.

GREENE

You must have been livid.

RUTH

I was.

GREENE

What about the rest?  
(off her look)  
That's only eleven.

RUTH

They don't hire Jews.

He shakes his head. His sardonic chuckle says, "Of course."

RUTH (CONT'D)

Mr. Greene. I want to be a lawyer. I want to represent clients before the court in pursuit of justice.  
(re: her resume)  
You can see I worked hard through school. I did everything I was supposed to and I excelled. I promise, I'll do the same for you.

She doesn't break eye contact as he considers her plea.

GREENE

Mrs. Ginsburg, I'm impressed.

His gaze drifts downward. Over the contours of her chest. The curve of her torso. Ruth tenses. And buttons her suit coat.

GREENE (CONT'D)

Thing is... My wife is a jealous woman.

Ruth fights her building fury. Then silently rises to go. As she heads out the door...

GREENE (CONT'D)

Hey. Take it as a compliment.

INT. GINSBURG APARTMENT - JANE'S BEDROOM - NIGHT

Jane (4 now), is asleep, sucking her ring and middle fingers. Ruth watches her in the dark. Drinking wine. A half-empty bottle in hand. Still wearing the same suit, unbuttoned.

From somewhere in the apartment, a DOOR OPENS.

MARTIN (O.S.)

Kiki?! Listen to this!

INT. FRONT ENTRANCE / LIVING ROOM - CONTINUOUS

Martin's taking off his jacket. As Ruth enters from the hall.

MARTIN (CONT'D)

You remember Mr. Heller? The man thinks the job of a senior partner is to see how much he can make you sweat. We're at lunch today -- with clients -- and in front of everyone he starts in on me. BUT, it was all about the Sifton Merger!

He looks to her for a reaction. And gets none.

MARTIN (CONT'D)

Sifton! I was up half the night reading it. I knew all the answers. Afterward, he pulled me aside. He wants me to take the lead!

She embraces him with no cynicism behind her smile. But when she pulls away, there's a sadness to her.

MARTIN (CONT'D)

What's wrong?

RUTH

Nothing.

(escaping)

Do you want a drink?

He follows her into the bright, open LIVING ROOM. It's lined with built-in shelves - books, trinkets and family photos.

As Ruth mixes Campari and soda, Martin figures it out...

MARTIN

You had another interview.

RUTH

At Landon, Bibler and Greene.

MARTIN

I've never heard of that firm.

Exactly.

RUTH

I thought it went well. Until he said, "Thing is, my wife is a jealous woman."

Martin is pained.

RUTH (CONT'D)

He told me it's a compliment.

(finishing her drink)

And he thinks he's one of the good guys.

She turns to Martin. A degree of desperation...

RUTH

What more could I possibly --

Regaining control, she looks away. To a photo from another era. Black and white. Her mother, laughing. On her chest, a gold, sun-like pin. Ruth's face reflects in the glass.

RUTH

After mother died, father and I went to temple to say the mourner's kaddish. But they were one man short of a minyan. I said, I'm here. The Rabbi just looked at me and said, You don't count. ... Like God cared that I was a girl.

MARTIN

Ruth...

RUTH

She died believing that I wouldn't have barriers, because I was getting an education.

MARTIN

Maybe it's time to think about Professor Gunther's suggestion.

RUTH

I went to school so I could practice law. Not to be a teacher.

MARTIN

It's a good job, Kiki. There are senior partners who would leave my firm in a heartbeat to join a law faculty.

RUTH

Yeah... After being lawyers.

FADE OUT.

OVER BLACK:

STUDENT PROTESTORS (V.O.)

(chanting)

One. Two. Three. Four. We don't want your fucking war!

EXT. RUTGERS UNIVERSITY - NEWARK CAMPUS - DAY

Picketers. Placard bearers. Hippies. Freaks. And sidewalk orators. An immense crowd of STUDENTS (20s) throng the urban campus. They carry banners - "Out of Vietnam" - and effigies of death. This isn't "Occupy" anything. It's Tahrir Square.

STUDENT PROTESTORS (CONT'D)

Five. Six. Seven. Eight. No more blood and no more hate!

Beneath shaggy hair and garlands. Behind long beards. Below afros. Men, women. Caucasian, black. Unified by the anger in their faces. Their voices hoarse from screaming.

**SUPER:** 1970

IN A PARKING LOT - a bag slung over her shoulder, folders hugged to her chest, Ruth locks her Chevy Impala. A serious and determined woman with an air of disappointment. She's 36.

Entering the crowd of protestors, her look says, if she were ten years younger, she'd be one of them.

EXT. RUTGERS LAW SCHOOL - ACKERSON HALL - DAY

Ruth squeezes her way through the striking students. Toward a line of CAMPUS COPS - on edge, wearing helmets, their night sticks poised. They forcibly clear a path for her.

INT. RUTGERS LAW SCHOOL - CLASSROOM - DAY

Harried, rushing, Ruth enters her classroom.

And finds only two STUDENTS. Both looking out the window, at the STUDENT PROTESTORS striking outside. She exhales sharply.

RUTH

Good morning. Please take your seats.

They seem disappointed to see her. And hang by the window.

RUTH (CONT'D)

You cannot be both here and out there. That's what makes it a strike.

INT. UPPER EAST GROCERY STORE - DAY

A package of Saran Wrap lands in Ruth's shopping cart. Jane (now 15) is stunned. Don't let the blonde hair and freckles fool you; she's grown into an opinionated and strong-willed girl. She wears a Hallsworth School softball uniform.

JANE

Mom! Dow Chemicals makes that!

RUTH

Jane, it's not a political statement.

Jane will have none of it. She returns the box to the shelf.

JANE

Napalm doesn't just kill. It tortures.

Before Ruth can respond. She hears...

JAMES (O.S.)  
 ("Where are you?")  
 Mooo-mmmmyyy? Mo-om? .... MOMMY!

RUTH  
 Aisle four, James.

JAMES appears. A towheaded boy (5), with a box of Kaboom cereal.

JAMES  
 Can we buy this?

RUTH  
 Absolutely not. Show me where you got it, so we can put it back.

JAMES  
 But mom! I love these.

RUTH  
 You've never had them. C'mon. I promised Daddy we wouldn't be late.

With a pout, he leads the way. But as they turn the corner...

JANE  
 Madame Dubé! Hi!

Ruth looks toward where Jane is waving...

MRS. DUBÉ (25) is reaching for a high shelf, the tell-tale swelling of her belly obvious. Hearing Jane, she turns. But her eyes land on Ruth. And her smile falls. She hurries away.

RUTH  
 Jane. Who was that?

JANE  
 My French teacher. She must have seen me.

Ruth understands completely. And feels bad about it.

RUTH  
 I'm certain she did.

EXT. UPPER EAST GROCERY STORE - LATER

The Ginsburgs leave the store, their groceries bagged, Ruth and Jane doing the heavy lifting.



MRS. DUBÉ (O.S.)  
Mrs. Ginsburg.

They turn to find her. Plainly waiting for them. Speaking with a French accent, she indicates her pregnant belly.

MRS. DUBÉ (CONT'D)  
I'm sorry. I have to ask... Please.  
Don't say anything to the school.  
I've been so careful. Nobody knows.

Ruth furrows her brow.

INT. CHEVY IMPALA - LATER

Parked at a meter in front of the grocery store. Ruth is in the DRIVER'S SEAT. Mrs. Dubé, beside her.

RUTH  
When I was pregnant with James, I borrowed clothes from my mother-in-law. They were just big enough that I could hide it. For a while. I was lucky. He was born in summer. When are you due?

MRS. DUBÉ  
March.

In the BACK SEAT, Jane shifts uncomfortably. Listening. (James is playing with a Action Man toy.)

RUTH  
So you're four or five months. And your contract says...?

MRS. DUBÉ  
I'm supposed to leave at three.

Looking away, Ruth's face strains in frustration. It's a puzzle with only one solution. One Ruth can't stomach.

RUTH  
Mrs. Dubé. You have to quit.

It's clear the teacher knows Ruth's right.

RUTH (CONT'D)  
Otherwise, when they find out -- and how can they not? -- they'll fire you for lying. With that on your record, you won't find another teaching job in the city.

MRS. DUBÉ

I need to earn money. Especially...

She waves vaguely at her belly. As Ruth considers this.

RUTH

My husband works with a member of Brearley's Board of Trustees. It's a good school. And a little more... reasonable. Marty and I will do whatever we can to help you find another job.

MRS. DUBÉ

Thank you... Thank -- *Excusez-moi*.

Overwhelmed. Embarrassed. She flees the car. And Ruth watches her escape. Compassion in her eyes.

INT. GINSBURG APARTMENT - KITCHEN / FRONT HALL - NIGHT

They've come up in the world. The furniture is contemporary, the artwork original.

Martin (37 now) is in the KITCHEN, reading what looks like a yellow and brown newsletter - the TAX COURT ADVANCE SHEETS. He wears an apron and a short-sleeved collared shirt and tie.

DING! A timer. He removes a roast from the oven. As the ARIA he's listening to is overwhelmed by MUFFLED VOICES...

Ruth enters the FRONT DOOR with the groceries. Trailed by Jane - carrying a backpack, helmet and bat - and James.

RUTH

Because I want you to be the editor of your paper and to play sports and study and not get... distracted by the rest of it. Shoes, shoes, shoes. James! Off the rug!

JANE

The rest of it? You mean BOYS?

James sits on the now-dirty rug, untying his shoes.

JANE (CONT'D)

I have to learn to compete. God, Mom, talk about hypocritical. You went to PUBLIC school, and you were valedictorian.

JAMES  
Mommy. Mom. Mom.

RUTH  
I just think you have your whole  
life to fight those battles. Yes.  
James. What is it?

James is still on the floor - struggling with his laces.

JAMES  
What's incorrigible mean?

Martin enters from the kitchen - Advance Sheets in hand.

MARTIN  
Kids' dinner is ready. What  
happened to not being late? This  
party's important.

Ruth shrugs apologetically.

JANE  
Daddy. Don't you think if I want to  
go to a co-ed school, it should be  
my decision?

MARTIN  
I think whatever your mother said  
is almost certainly right.

JANE  
Ugh! You always take her side!  
(storming away)  
You can't protect me from boys  
forever, you know!

MARTIN  
(to Ruth)  
I thought we were protecting the  
boys.

Ruth grins. Noticing James, Martin kneels to help the kid  
with his laces. Laying the Advance Sheets open on the floor.

JAMES  
Miss West said I'm incorrigible.

One shoe off. James takes up the Advance Sheets.

MARTIN  
She's an astute woman.

JAMES

What's this?

MARTIN

It's called an Advance Sheet. It's the decisions issued in tax cases around the country this month.

He gets the other shoe.

MARTIN (CONT'D)

In that case, a man whose mother is sick took a tax deduction for --

And James is gone. Leaving Martin with an unfinished thought and a dirty shoe. He looks up at Ruth.

RUTH

Don't take it too hard. That's how I feel about tax law, too.

EXT. WEIL, GOTSHAL & MANGES OFFICES - NIGHT

In the heart of midtown. Near the top of an imposing tower.

MARTIN (V.O.)

It is well known. TAX is the only genuinely funny area of the law.

INT. WEIL, GOTSHAL & MANGES RECEPTION AREA - NIGHT

Mahogany and marble, the law firm's name in brass.

PARTNERS (50s +), ASSOCIATES (30s) and INTERNS (20s) in clumps around the room. All of them men. THEIR WIVES are segregated into their own corner.

NEAR THE BUFFET: Martin stands out, still wearing his short-sleeved shirt. He's surrounded by a group of eager INTERNS.

INTERN 1

I think most of us just want careers that have more... impact.

MARTIN

Do you know that in Sweden, young people often don't get married?

The Interns chuckle. Nervously. Unsure what to say.

MARTIN (CONT'D)

It's true. They get engaged. Live together. Raise families. But they don't marry. Know why?

INTERN 2

They can have sex without it?

The other Interns laugh. Not Martin.

MARTIN

Because of taxes.

They quiet. Martin tips his head. And cracks a smile.

MARTIN (CONT'D)

After the war, Sweden, like the U.S., decided married couples should file joint tax returns. But unlike here, they didn't give couples a benefit. The Swedes found themselves in much higher tax brackets. So they got divorced.

He pops a grape in his mouth off the buffet.

MARTIN (CONT'D)

'Course they kept living together.

The Interns smile.

MARTIN (CONT'D)

So. The government retaliated. They passed a new law. If a couple had been married and got divorced, but continued living together -- then for tax purposes they were still considered married.

Shrugging, he crosses his arms.

MARTIN (CONT'D)

People did what anyone would. Added a second entrance to their homes and a wall down the middle. With a door for easy access.

The Interns laugh.

AT THE BAR: Ruth, waiting, watches Martin affectionately as he holds court. TOM HELLER (65) approaches from behind. An imposing figure, he follows her gaze...

HELLER

You can't believe how many calls I get, telling me what a wunderkind that husband of yours is.

RUTH

Thank you, Mr. Heller. I won't claim to be surprised.

HELLER

I swear to Christ, he'll run this place some day. You're a smart girl, Ruthy. You married a star.

She makes a wry face at the backhanded compliment. Then accepts the two glasses of wine held out to her.

RUTH

If you'll excuse me, I'll go bask in his glow.

He takes in the sway of her hips as she heads toward Martin.

NEAR THE BUFFET: Martin thrusts his arms up over his head.

MARTIN

Fine! Once married, now divorced, two-earner couples in sub-divided homes would, for tax purposes, be considered living together and --

INTERN 1

And therefore still married!

Martin's laughing along with the interns now. As Ruth nears.

MARTIN

It kept going! For decades! While a whole generation of Swedes avoided the issue by never getting married.

RUTH

The moral being that in their attempt to raise revenue, the Swedish government ruined all those young men's best hope at happiness.

Martin grins at her finishing his story. Lovingly.

MARTIN

Indeed. How a government taxes its citizens is a declaration of a country's values.

He turns to look Intern 1 - who challenged him - in the eye.

MARTIN (CONT'D)  
 What in the world could have more  
 impact than that?

INT. GINSBURG APARTMENT - BEDROOM - LATER

Martin on top of the covers, reading Advance Sheets. Ruth is in an adjoining BATHROOM, in a nightgown, brushing her hair.

RUTH  
 Did you remember to talk to Mike  
 about Jane's French teacher?

MARTIN  
 Uh-huh. He said he'd look into it.

RUTH  
 Does he think there may be a job?

MARTIN  
 ("like I said...")  
 He said he'd look into it.

She puts down the brush and steps out of the bathroom.

MARTIN  
 Sorry. I can't go to sleep until I  
 finish these Advance Sheets. I've  
 been trying to all night.

She gives him a look. And returns to the BATHROOM.

MARTIN (CONT'D)  
 You'd find these cases fascinating  
 if you gave them half a chance.

Ruth brushes her teeth, rinses, and considers her reflection. Tugging at the crows feet around her eyes.

She heads back into the BEDROOM. And grins at Martin - sound asleep, the Advance Sheets open across his chest. She takes the booklet. Gives it cursory look. And frowns.

Then tries a different page: *Charles E Moritz v Commissioner of Internal Revenue*. Pulled in, she reads. Settling on the edge of the bed. As we enter the case she's discovering...

CLERK (V.O.)  
 The United States Tax Court is now  
 in session. The honorable Norman O.  
 Tietjens presiding.

EXT. DENVER SKYLINE - DAY - A FEW WEEKS EARLIER

The jagged pinnacles of the Rocky Mountains pierce a clear, blue sky. Beneath them, a city rises from the aspens.

EXT. DENVER COURT HOUSE - DAY

A marble facade in the quiet city center.

OVER THIS: a GAVEL BANG-BANG-BANGS.

TIETJENS (V.O.)

The court recalls docket number 610-70 SC. Charles E. Moritz v Commissioner of Internal Revenue.

INT. TAX COURT - DAY

CHARLES MORITZ (68) sits alone. Tall and white-haired, with sad and gentle features. A man from Rockwell's brush.

From the bench, JUDGE TIETJENS (67) eyes him sternly.

TIETJENS (CONT'D)

Mr. Moritz.

He looks to MARVIN SCOTT (26), the Government Lawyer.

TIETJENS (CONT'D)

Mr. Scott. ... As I understand it, Mr. Moritz, you're a travelling book salesman. And your elderly mother lives with you at home.

Moritz nods. And steels himself up.

TIETJENS (CONT'D)

In order to work, you hired a nurse to help care for your mother. And on your taxes, you deducted part of that nurse's salary under section 214 of the Internal Revenue Code.

MORITZ

That's right, your honor.

Again Tietjens looks to Scott.

TIETJENS (CONT'D)

The Government rejected that deduction.



Scott gives Moritz a disdainful look.

SCOTT

Of course, Judge. He was cheating on his taxes.

Moritz bristles.

TIETJENS

And now Mr. Moritz has challenged the Government's decision in this court. Gentlemen. I have considered the facts of the case. And am prepared to issue my ruling.

As a STENOGRAPHER clacks at her machine, Tietjens refers to his notes.

TIETJENS (CONT'D)

Section 214 awards a caregiver deduction to women, married couples, and men either widowed or divorced. ... It plainly makes no mention of bachelors.

Moritz jumps up.

MORITZ

But your honor! That doesn't make sense! What does THAT have to do with caring for my mother?

Tietjens bangs his gavel.

TIETJENS

Mr. Moritz. Enough!

Moritz deflates into his seat.

TIETJENS (CONT'D)

Congress decides who can take a deduction, not the courts. Clearly you are not covered by the statute.

Scott leans back, self-satisfied. And Moritz is stunned.

TIETJENS (CONT'D)

Mr. Moritz you are ordered to pay the remainder of your taxes, plus interest. In full.

He bangs his gavel once more - with finality.

INT. GINSBURG APARTMENT - BEDROOM - NIGHT

Ruth, the Advance Sheet in her lap, sits in silence.

She turns to Martin - sound asleep. And nudges him. Martin moans, shifting his weight.

RUTH  
Marty. ... Marty.

MARTIN  
What? What is it?!

RUTH  
What do you know about Charles Moritz? ... The travelling salesman from Denver. He was denied a caregiver deduction on his taxes.

She shows him the Advance Sheet. And it hits him.

MARTIN  
NOW you want to talk about this?

RUTH  
The tax code assumes a WOMAN has to be the caregiver. If Moritz had been a dutiful daughter instead of a dutiful son, he'd be eligible for the deduction. It's discriminatory.

It hits her...

RUTH (CONT'D)  
Against men.

Martin falls back, exasperated, onto the pillow.

MARTIN  
We'll survive. Kiki. I have a busy day at work tomorrow. I was asleep.

As a world of possibilities begins to form before her, Martin gets under the covers. And flicks off the light.

MARTIN (CONT'D)  
Good night.

She lies down as well. And stares into the dark. In her eyes is a glimmer of the girl with big dreams that she used to be.

INT. GINSBURG APARTMENT - DINING ROOM - MOMENTS LATER

Hitting the light, she goes straight to the wall of bookshelves. Looks... looks... and finds a book.

Sitting at the table, she checks the index and opens to the page. **INSERT:** *Hoyt v Florida (1961)*. She begins to read.

After a moment, she glances toward Jane's softball bat - resting near the door. And has an idea....

INT. RUTGERS LAW SCHOOL - CLASSROOM - DAY

Ruth's STUDENTS (mostly men, some women, 20s) are chatting together. When Ruth enters. Already lecturing. Carrying the same book as in the prior scene, and Jane's softball bat.

RUTH

Gwendolyn Hoyt was a housewife, married to a philanderer known to choke her, to slam her into walls, to tear off her clothes, and to threaten to kill her.

MALE STUDENT 1

Professor. What page is this --

RUTH

It's not in your textbook. It's not even Civil Procedure.

She drops the book on her desk, open to *Hoyt v Florida*.

RUTH

One night, Clarence Hoyt told his wife he'd met someone new and the marriage was over. In what her lawyers described as a fit of insanity, she picked up their son's baseball bat...

With Jane's bat, she mimes an over-the-head death blow.

RUTH (CONT'D)

And smashed in Clarence's skull. She then called an ambulance and tended his wounds. Nonetheless, he died. And Gwendolyn Hoyt was convicted of second degree murder.

She writes *Hoyt v Florida (1961)* on the board.

RUTH

In Florida, only men were obligated to serve on juries. Women didn't have to. ... A great civil rights lawyer named Dorothy Kenyon...

(she writes the name)

...took up Hoyt's appeal. On behalf of the American Civil Liberties Union, she argued that Florida's all-male juries violated the U.S. Constitution. Had there been women on the jury, she said, Hoyt may have been convicted of a lesser crime than murder: manslaughter. If you were on the U.S. Supreme Court, what would you think, Mr. Maxwell?

MAXWELL

I'd think... If I didn't have to do jury duty, I wouldn't complain.

The students chuckle. Another, BENNETT, raises his hand.

BENNETT

The Florida law makes sense though. A woman's responsibility is to her children. You can't take care of a kid stuck on some sequestered jury.

WHOA! It doesn't go over well with the women in the room.

FEMALE STUDENTS

Excuse me? Are you kidding?! You're never getting laid again. (etc.)

Some of the men chuckle at the women's outrage.

BENNETT

Men are the mammoth hunters. We support our families.

KATE

What about women who don't have children? Or whose kids are older?

Ruth looks to her. Impressed. Hair down, her mid-riff exposed, KATE (23) is a marked contrast to Ruth.

RUTH

Or what if a MAN wanted to be a caregiver? Should he be excused from jury duty as well? Mr. Worth?

WORTH

Hey, I'm with the ladies... But that was 1961. Things are different now. Women work. If my girl wanted to get a job, it'd be cool with me.

RUTH

And if you marry her, and she gets fired as a result... which the law allows?

That quiets him.

RUTH (CONT'D)

My daughter's favorite teacher had to resign because she's pregnant. How is she supposed to provide for her child? When laws say women can't work overtime? When a woman's social security benefits, unlike her husband's, don't provide for her family after her death...

She points to the board.

RUTH

What Dorothy Kenyon asked was this: If laws can differentiate between people on the basis of sex... Then how will women ever become mammoth hunters, too? This is the most recent precedent dealing with that question. The Court's decision is standing law.

A heavy silence. The class has never seen her so impassioned.

KATE

So what did they say?

RUTH

That jury service is vital. And the very definition of being American. BUT because women are, "The center of home and family life," for us it's optional. They ruled against Mrs. Hoyt nine to zero.

INT. MORITZ RESIDENCE - MOTHER'S BEDROOM - DAY

MORITZ'S MOTHER (89) is frail. She's teetering at the edge of the bed, balancing herself on a nightstand. She wears a bathrobe and her hair is wet. Moritz is kneeling beside her.

MORITZ

And step.

She does. And he guides a pair of underwear over her foot.

MORITZ (CONT'D)

And the other.

He pulls the underwear up under her robe. Then reaches for the white dress laid across the bed.

MOTHER

Not that. It looks like a doily.

MORITZ

Mother. I asked when you picked it out if you were certain. Remember?

The phone on the nightstand RINGS. And his Mother answers before he can cross the room.

MOTHER

Who is this?!

Moritz takes the phone from her.

MORITZ

Yes, hello?

INTERCUT:

INT. RUTGERS LAW SCHOOL - RUTH'S OFFICE - CONTINUOUS

Narrow. Cramped. Sagging shelves lined with books.

RUTH

Hello? Mr. Moritz?

MORITZ

Speaking.

RUTH

Is this Charles Moritz who recently lost in the Tax Court?

MORITZ

What's this all about?

RUTH

My name is Ruth Bader Ginsburg. I'm a law professor. From New York. I'm wondering...

She hesitates. As two male PROFESSORS walk by, chatting. She reaches out and closes the door.

RUTH (CONT'D)

Mr. Moritz, are you planning on appealing the Tax Court's decision?

MORITZ

I hardly see the point.

RUTH

I'd like to urge you to reconsider.

His Mother begins to sway. And Moritz grabs her around the waist. Helps her to sit on the edge of the bed.

MORITZ

What firm did you say you're with?

RUTH

I don't... I'm not with any firm.

The bedroom door opens, and CLEETA STEWART (70) enters in a white dress, and a shawl which she drops into a chair.

CLEETA

Good morning Mr. Moritz. GOOD MORNING MRS. MORITZ. Another long night, I see.

Moritz's gaze welcomes her -- with an air of relief.

MORITZ

Good morning, Miss Stewart.

RUTH

Mr. Moritz? Are you there?

MORITZ

Listen young lady. It was made exceedingly clear I don't have a case. Do you expect me to believe YOU know better than the judge?

RUTH

No. I want-- Hello? Mr. Moritz?

He's gone. Slowly... she hangs up the phone. Dejected.

INT. GINSBURG APARTMENT - DINING ROOM - NIGHT

Martin's looks up incredulously from slicing a braised pork loin. Ruth is watching him - warily.

MARTIN

What do you mean you want to go to Denver?

(yelling toward the hall)

Jane! James! Dinner!

(back to Ruth)

Don't get me wrong. I'm delighted by your sudden passion for tax law. It's just an awfully long way.

As he serves the meat onto plates of rice and vegetables....

RUTH

People think women are privileged. Because we're excused from men's obligations. But it's a cage. And for ten years I've just... I've watched, as smart girls run head first toward the bars.

She grabs his arm. And his attention.

RUTH

It will never stop until a federal judge says women and men must be treated as equals before the law. This case could do that.

MARTIN

It's unwinnable.

James comes sprinting. As Martin finds Ruth staring him down.

MARTIN (CONT'D)

You asked my opinion.

RUTH

It's not quite that simple.

Jane comes sauntering. And they settle into the meal. Martin, looking at Ruth, sighs deeply. Relenting...

MARTIN

Jane. You'll need to pick up your brother a few days next week. Your mother's going to Colorado.

Jane rolls her eyes and groans.

JAMES

You are? Why?

MARTIN

She's climbing a mountain.



JAMES

Can I come?!

Ruth eyes Martin - salting his meat, grinning slyly at James. She has more to say. But isn't sure how to broach it.

MARTIN

Oh, Jane. I heard today that The Brearley School is hiring your friend, Mrs. Dubé.

JANE

I wish she came back to our school. The teacher who replaced her is --

RUTH

(swallowing her pride)  
I need a letter.

Martin looks to her - questioningly.

RUTH (CONT'D)

Introducing me and the case.  
Something to send ahead to Moritz.

JANE

Like a permission slip?

Ruth shoots her a glare. But knows she isn't wrong.

RUTH

From a law firm.

MARTIN

You realize what you're asking.

Embarrassed. Upset. Ruth busies herself cutting James's meat into bite-size pieces.

RUTH

You're the youngest partner in the firm's history. If you ask --

MARTIN (CONT'D)

Why don't you submit a paper to a law journal?

Ruth drops her utensils. A flash of anger. Jane watches her mother's growing tension.

MARTIN

I can't go to my firm with this, Kiki.

RUTH

Excuse me.

She leaves the table... But turns back.

RUTH

I know I'm a professor. I am well aware that I may not be up to the task. But someone has to do this. And there's no one else.

She leaves them. Watching her. LINGER ON: Jane, amazed. Until Martin takes James's plate. And resumes cutting his meat.

INT. GINSBURG APARTMENT - BEDROOM - LATER

Ruth is at the same small table that served them at Harvard - now shoved into a corner. Before her is a stack of grading. There's an OPERA on the radio.

When Martin enters, she stops working, but doesn't look up.

MARTIN

I'm trying to help you. Congress can write whatever taxes they want. In two centuries, no court has touched that.

RUTH

When people are treated like their work has no value... Marty. It poisons them. Until they're so weak, they can't stand up.

MARTIN

Kiki. The odds of winning this thing are --

RUTH

(facing him)

When you've wanted help, did I ever dictate what sort you needed? I gave the help you asked for.

She can't look at him when she says it:

RUTH (CONT'D)

Even when your odds were less than five percent.

A flash of pain and anger.

MARTIN

I didn't realize there was a *quid pro quo*.

RUTH

Martin Ginsburg. You were the first boy I met who cared that I had a brain. But not two minutes ago you insisted you are HELPING me by refusing to support me. You're not helping. You're protecting me.

MARTIN

You know whose permission I'd need? ... Tom Heller. The man's barely more evolved than a newt.

RUTH

This appeal's my chance, finally, to --

MARTIN

Moritz doesn't want to appeal!

RUTH

That's why I need to go to Denver. I didn't... If I could just explain myself better, he could -- I know what it is to take care of someone who's sick. It is relentless, taxing, exhausting... *hard work*.

She's trying to hold herself together. As Martin's look softens. And he approaches her.

RUTH (CONT'D)

And the law... it says that when this MAN does it, it doesn't count. Because... it's a woman's job.

He takes her face in his hands. And kisses her. Gently.

MARTIN

I understand. I really do.

She looks up. Believing him. As she rises into his arms, he kisses her again. Then she holds him. Her head on his shoulder for support.

RUTH

It's poison. ... Marty. It's nearly done me in.

INT. TOM HELLER'S OFFICE - DAY

Tom Heller looks up from his work. Skeptical. World-weary.

HELLER

For God's sake, Marty. Your wife's on the rag because you've got New York by the balls while she's teaching ambulance chasers in Jersey.

Sitting across the desk, Martin could punch him. As Heller gets up and crosses his impressive corner office...

MARTIN

I disagree.

HELLER

We have actual PAYING clients who expect your attention. This is a waste of your very valuable time.

Arriving at a small bar, he pours himself a scotch.

MARTIN

If it's because you don't like the case, I'd prefer you just say it.

HELLER

You're damn right I don't like it. When did these girls start taking to the streets, calling MY wife SELFISH for dedicating the best years of her life to our children?

MARTIN

That's not Ruth's point. Nor mine. You and I will never agree on this, Tom. But I am determined to help.

Heller looks him over. Resigned.

HELLER

You do this, Marty. But if she loses, you'll have blundered our firm into one of the worst bits of crackpot activism in a generation. You really want to risk your career for that?

INT. MORITZ'S HOME OFFICE - DAY

Moritz sits at his desk. Reading a letter under Martin's letterhead.

INSERT: *Dear Mr. Moritz, My name is Martin Ginsburg, and I am writing in regard to your recent loss in the Tax Court...*

Moritz checks the time. And reconsiders the letter.

EXT. MORITZ RESIDENCE - DAY

It's a simple home. Unremarkable, save for the ramp to the front door. Ruth hesitates. Before ringing the doorbell.

She waits. Her hand tapping nervously against her thigh. Until the door opens. And the two come face-to-face at last.

RUTH

Mr. Moritz. May I come in?

INT. MORITZ'S LIVING ROOM - LATER

The room is out of style. There's a small television before the fireplace. Settled before it are a wheelchair and a folding table with the remains of a meal.

Ruth and Moritz sit across from one another in arm chairs.

RUTH

You don't look like a tax cheat.

MORITZ

I've never cheated at anything in my life.

RUTH

That's not what the tax court --

MORITZ

The judge was wrong.

He gets up. Agitated. Ruth watches him busy himself folding a blanket thrown across the wheelchair.

RUTH

No. He wasn't.

He considers her - skeptically.

RUTH (CONT'D)

The law is wrong. It says you can't claim that deduction because you're a man. It's unjust.

She rises. And steps closer.

RUTH (CONT'D)

But that's just one example. There are... I don't know how many laws that differentiate between men and women. For no good reason.

MORITZ

Then there must be other people you can go to. Why me?

As soon as he asks, he understands. He sits.

MORITZ (CONT'D)

Because I'm not a woman.

RUTH

I'm betting judges will be able to see the harm done to you in a way they never have for female plaintiffs. If I'm right and you win, it will give us the legal framework to challenge laws that keep women out of jobs and limit our pay. Laws that say, in effect, "Men work. Women stay home. And that is the way things are."

Moritz is quiet. Weighing the situation.

RUTH (CONT'D)

Believe it or not, Mr. Moritz. The women in this country need you to take a caregiver deduction.

He looks up at her. A tired man.

MORITZ

You don't know what it's like. It never stops. It's exhausting.

RUTH

I know.

It's in his eyes: *DO you?*

RUTH (CONT'D)

My husband. Before that, my mother.  
... Let me help.

MORITZ

What would I have to do exactly?

RUTH

Just let me represent you. And, I don't mean to pressure you, but I need you to decide quickly.

MORITZ

Why?

RUTH

I'll need to write a brief stating our entire argument. We don't get much time.

MORITZ

And after that? Then what happens?

RUTH

The Government will write a response brief. Then the Tenth Circuit Court of Appeals will schedule oral arguments, where each side will present its case to the judges. And they'll decide how to interpret the law.

MORITZ

I've never done anything like this before.

RUTH

That's all right, Mr. Moritz.  
Neither have I.

EXT. OFFICE BUILDING - DAY

A tower rising over Manhattan's cavernous financial district. Ruth and Kate are specks crossing its busy forecourt.

INT. ACLU RECEPTION AREA - DAY

A sign above reception: American Civil Liberties Union. The place is bustling. The elevator slides open, revealing Ruth and Kate.

MEL WULF (40), exiting an adjacent CONFERENCE ROOM, notices Ruth. And grins mischievously. He's handsome, with dark, curly hair and piercing blue eyes. Watching the two women press toward reception, he sneaks behind Ruth.

MEL  
 (chanting in Ruth's ear)  
 I'm a little acorn round / lying on  
 the dusty ground...

Ruth spins on him - mortified. As Mel jumps into an intricate choreographed combination of stomps, claps and jazz-hands.

MEL (CONT'D)  
 Everybody steps on me. / So I'm a  
 little cracked you see...

Kate is stunned. The RECEPTIONIST lowers the phone. Everyone stops. To watch. As Ruth looks away, wishing to disappear.

MEL (CONT'D)  
 I'm a nut / but that's no sin. / At  
 Camp Che-na-wah I'll fit right in!

Arms spread. Breathing heavy. A broad grin.

MEL (CONT'D)  
 Ladies and gentlemen! The three-  
 time Camp Che-na-wah twirling  
 champion: Ruth "Kiki" Bader!

A smattering of APPLAUSE. As Mel struts toward Ruth, he jokes to a laughing colleague...

MEL (CONT'D)  
 Hey! You think *this* job's hard? Try  
 judging the fifteen-and-unders when  
 the color-war trophy's on the line.  
 (to Ruth)  
 Hi Kiki!

She holds out the *Moritz* Advance Sheet to him.

RUTH  
 Mel. I need your help.

INT. ACLU OFFICES - CORRIDOR - LATER

Ruth follows Mel down a crowded hallway. He's reading the Advance Sheet as they walk.



RUTH

It's a civil rights issue. You're a civil rights organization. The ACLU cannot continue to ignore this.

MEL

I've got student protestors in jail in California. I've got school districts in Mississippi STILL refusing to desegregate. I don't have the budget to take this on. I don't have the manpower. Even if I did, I doubt anyone here would be remotely interested in helping you.

A VOLUNTEER interrupts, handing Mel a document.

VOLUNTEER

Mr. Wulf. You wanted to see this.

He scans it, without breaking stride.

MEL

Good. Good. Better. Remind him, even minors don't shed their rights at the schoolhouse gate.

He hands it back.

RUTH

Mel. With the ACLU on the brief, there's no way the court treats this appeal as just another tax case. You have to help.

They stop before his office door - "Melvin Wulf / Legal Director."

MEL

Let's be clear. I don't *have* to do anything.

He opens the door. But neither moves.

MEL

After you.

INT. MEL'S OFFICE - CONTINUOUS

Mel closes the door behind them. Then relaxes into his chair, feet up on the desk. Ruth sits across from him.

MEL

How's Marty? Still protecting the rich from the predations of the poor?

RUTH

Mel...

She considers him, letting out a deep breath.

RUTH (CONT'D)

When we win this appeal -- for men and women, both -- it'll be the first federal precedent declaring sex-based discrimination unconstitutional.

MEL

Men and women aren't segregated! We go to the same schools. Eat at the same cafes. We have the same opportunities.

RUTH

Maybe on paper!

MEL

You're fifty-one percent of the population. You're not even a minority. And what's more... It's been tried! Muller. Goesaert. What's-her-name with the baseball bat.

RUTH

Gwendolyn Hoyt.

MEL

Exactly! Barely ten years ago.

RUTH

And morally, the arguments were right.

MEL

Yet they lost. Because morality doesn't win in court, Ruth. CONVINCING ARGUMENTS do. And I seriously doubt you can come up with a more convincing argument for sex equality representing this MAN in a TAX CASE than *Dorothy Kenyon* could for Gwendolyn Hoyt.

INT. ACLU RECEPTION AREA - MOMENTS LATER

Kate rises as Ruth enters from the back in a huff.

KATE  
How'd it go?

Ruth passes her. And presses the elevator button. Repeatedly.

KATE (CONT'D)  
Professor? You know that continuing  
to push the button doesn't bring  
the elevator any faster.

DING! The ELEVATOR opens. And they enter.

INT. ELEVATOR - CONTINUOUS

Ruth hits 'L' and the doors slide shut.

RUTH  
A complete waste of time.

KATE  
Okay. All right... So. We do it  
ourselves.

RUTH  
I appreciate the faith, Kate. But  
we need an expert to advise us.

KATE  
So. Who's that? Who's the best at  
practicing this sort of law?

RUTH  
Mel Wulf, at the ACLU.

KATE  
Who's second best?

RUTH  
Kate! No one. There's no one.  
There's just not that many people  
who do this sort of thing. Where  
are we going to find someone who --

It hits her. She smiles. Kate eyes her expectantly.

RUTH  
Someone who's done this before.

EXT. LOWER WEST SIDE - SIDEWALK - DAY

A SHOP OWNER pulls a graffiti-covered grate before his store. Cast iron facades. Pot-holed streets. Dumpsters overflowing. And against a gray sky, the Twin Towers are being built.

In her heels and up-town coat, Ruth is out of place. Holding a piece of paper, she searches for an address. Beside her, Kate hugs a denim jacket tighter against the drizzling rain.

A pair of CON-ED WORKERS give them a lascivious whistle.

CON-ED WORKER

Lookin' good, honey. I can warm you up... if you're gettin' wet.

Ruth ignores them. But Kate turns back

KATE

Real nice! You kiss your mother with that mouth?

The men laugh. As she turns and catches up to Ruth. And they come to a derelict building with an empty storefront.

They share a wary look. Step over a drunk, passed out on the sidewalk. And enter...

INT. DOWNTOWN BUILDING - CORRIDOR - MOMENTS LATER

As they come to the second floor, Ruth grabs Kate's wrist, holding her back. Watching - awestruck.

DOROTHY KENYON (82) is locking a door marked "Attorney" in peeling paint. She's slender, with a white bob beneath a broad-rimmed, floppy hat. But her eyes are vivacious; they can flash from humor to fiery passion without blinking.

Door locked, she turns. And finds them.

KENYON

You ladies look lost.

Ruth watches her - a long beat.

KENYON (CONT'D)

Well? State your business. I don't have all day.

RUTH

Ms. Kenyon. We're here to see you. It's about Gwendolyn Hoyt.

KENYON

Ah. In that case I have no interest  
in talking to either one of you.

She shoves the keys into her large bag. As she blows by them,  
onto the stairs. Ruth and Kate follow.

RUTH

We're arguing a case... Sex-  
discrimination violates the equal  
protection principle.

Kenyon doesn't slow down as she descends the stairs.

KENYON

'Equal Protection' was coined to  
grant equality to the negro -- a  
task at which it has dismally  
failed. What makes you think women  
would fare any better?

RUTH

Please. We need guidance.

At the bottom of the stairs, she turns on them.

KENYON

Then here's my advice. Tell your  
client she won't find equality in a  
courtroom.

EXT. LOWER WEST SIDE - SIDEWALK - CONTINUOUS

Exiting, Kenyon opens an umbrella as she steps nonchalantly  
over the Drunk. Ruth and Kate follow. Uncovered.

RUTH

The client's name is Charles  
Moritz.

Kenyon stops. Turning back. Impressed. But it fades.

KENYON

That's cute. Your theory is what?  
The court will be sympathetic  
because they all have prostates?

RUTH

Feeling anything would be a start.  
He was denied a caregiver deduction  
on his taxes. We're arguing the law  
is discriminatory.

Kenyon drops her head. A weary warrior.

KENYON

You want to change the country?

She indicates Kate, who is taken by surprise.

KENYON (CONT'D)

You should look to her generation.  
They're demanding change. Like we  
did when we fought for the vote.

Kenyon resumes walking. Letting Ruth and Kate tag along.

KENYON (CONT'D)

Our mistake was we thought we won.  
We got off the street and went to  
the courts. Started asking please.  
As if civil rights were sweets to  
be handed out by judges.

RUTH

Protests are important. They mean  
nothing, if the law doesn't change.  
As a lawyer, you must believe that.

She dismisses them with a wave of her hand.

KENYON (CONT'D)

Go... Go argue your case. You can  
learn the hard way, like the rest  
of us did.

KATE

Professor. We should go.

RUTH

No. I'll argue my case, and I'll  
win. Because someone has to teach  
the courts to see that the law is  
unfair.

KENYON

And then what? If you win and the  
Court declares the caregiver  
deduction unconstitutional,  
overturns the law? What do you  
imagine will come of that?

KATE

It would change everything!

KENYON

Ha! Don't tell me this is your star pupil.

Kate pouts. As Kenyon slows to a stop before a decrepit facade - crumbling, plywood on the windows.

KENYON (CONT'D)

How many husbands do you imagine would let their wives work outside the home, if the cost of a sitter could no longer be deducted on their taxes? All those women would go back to the kitchen. And then what have you accomplished?

RUTH

I wouldn't ask the Court to overturn the law. That wouldn't help my client; it would just hurt others. But the court can extend the law to include Charlie.

KENYON

So you want judges writing legislation now.

RUTH

Levy v. Louisiana. The Supreme Court did it two years ago.

Kenyon's clearly impressed.

KENYON

So they did... Still that was children.

RUTH

Last June. Welsh v United States. Justice Harlan said laws could be extended when doing so would be closer to the legislature's intent than overturning them would be.

She and Kenyon watch one another for an extended beat.

KENYON

What did you say your name was?

RUTH

Ruth Bader Ginsburg.

KENYON

Well, Professor Ginsburg... The country isn't ready. Change minds, before you change the law. Now if you'll excuse me, a developer is kicking thirty families out of a building he abandoned ten years ago.

Turning, she tugs an unhinged door, making enough room to squeeze under the lock and chain. And disappears inside. Leaving Ruth and Kate - disappointed, in the rain.

KATE

I know she's your personal hero and all. But she's kind of a bitch.

She looks away. And spies a BAR across the street.

KATE (CONT'D)

C'mon professor. I'll buy you a drink.

INT. LOWER WEST SIDE - BAR - LATER

Drenched. Unhappy. Ruth and Kate enter. As they claim stools at the bar...

RUTH

Imagine. Dorothy Kenyon went to college and law school at a time when women couldn't even be...

She looks around. Searching for an example. And notices the BARTENDER - a woman in her 30s.

RUTH (CONT'D)

...bartenders. She worked on behalf of women and minorities and the poor, before it was fashionable. And what did she get for her efforts? Dragged before Joseph McCarthy, called a communist. She stood toe-to-toe with that man and said, "Senator. You are an unmitigated liar." And know what? He blinked first. The charges were dropped.

Kate's duly impressed.



RUTH (CONT'D)  
How could she have done all that  
without being... tough?

The Bartender approaches.

BARTENDER  
What'll you ladies have?

KATE  
A whiskey sour.

Ruth is lost in thought.

BARTENDER  
Your friend all right?

Outside the THUNDER cracks and the RAIN picks up. Ruth turns toward the window. Considering the weather.

EXT. LOWER WEST SIDE - BAR - LATER

It's pouring and getting dark when Ruth and Kate exit. Kate hails a passing cab. Which comes to a stop down the block.

She jogs uncovered through the rain toward the waiting taxi. Opens the door. Then notices: Ruth hasn't moved.

KATE  
Professor?

She watches Ruth, considering the Bartender through a window.

KATE  
(to the TAXI DRIVER)  
Hold on.

She jogs back to Ruth. As she looks up into the pelting rain.

KATE (CONT'D)  
Professor Ginsburg. You're getting  
drenched.

Ruth begins to laugh. When she looks to Kate, she's smiling. Kate can't imagine why.

RUTH  
A Court ought NOT be affected by  
the weather of the day, but will be  
by the climate of the era.

Kate looks at to her - questioningly.

RUTH (CONT'D)

Professor Freund at Harvard said that. When I graduated, I couldn't practice law. But you will. And you'll be brilliant.

KATE

I don't understand.

RUTH

Women have been arguing for equality the same way forever. Fighting some precedents, using others. The same cases, over and over. And every time, they lose. We need to show that all those old precedents no longer apply.

KATE

Because of the climate of the era.

RUTH

Kate. I don't know if I can do this...

KATE

But you're going to try. Aren't you?

Off Ruth: grinning.

**MONTAGE** (NEW & STOCK FOOTAGE):

A) Women toss their bras, heels and girdles into the 'Freedom Trash Can' at the Miss America protests. (**note:** despite the myth - no one ever burned a bra.)

B) Ruth and Jane take the artwork off her LIVING ROOM wall. In the empty space, Ruth tacks up an old Tampa *Times* clipping -- "MRS. HOYT TESTIFIES SHE WAS SCORNED". In the photo, Gwendolyn Hoyt (50) is cuffed, being lead into a courthouse.

C) A Women's Strike for Equality march. Amid the diverse array of young women: Dorothy Kenyon chanting.

D) Ruth is scribbling notes on an index card. She goes to the wall - now filled with index cards and mimeographed pages. Tacks her card amongst them. (INSERT: "Significant changes in societal attitudes.")

E) Shirley Chisholm is sworn into Congress.

F) Ruth reading in the RUTGERS LAW LIBRARY. Alone. Around her, male students and faculty work in groups.

G) Jane and James enter the apartment - carrying groceries. Jane lingers to watch. Jealously. As Kate leans close to Ruth, pointing out a section of a text. Around them, stacks of books and papers are growing.

H) Ruth in line at the DRY CLEANER, jotting notes on the back of the slip. (INSERT: "Unalterable biological traits.")

I) Jane with FRIENDS at the MOVIES. On screen: *The Graduate*. ("Mrs. Robinson. You're trying to seduce me.")

J) Ruth typing at breakneck speed. (INSERT: "Shackled by biases...") Behind her, the wall is papered with notes, pages, photos. Surrounding her are books and papers in tenuous towers. On the desk beside her is a stack of stained and scribbled-on pages.

Jane enters from the hall. Her homework in hand. She stops. Watches Ruth. And, resigned, turns back.

INT. ACLU OFFICES - CORRIDOR - DAY

Mel is hurrying down the hallway, chatting with a LAWYER.

MEL

Either the campus called the city for backup and the provost is culpable, or the arresting officer was outside his jurisdiction. They can't have it both ways.

He slows down outside his OFFICE DOOR.

MEL (CONT'D)

Call the local affiliate. See if you can get a straight answer.

He opens his door.

KENYON (O.S.)

Melvin! Didn't your mother ever teach you to clean your room?

INT. MEL'S OFFICE - CONTINUOUS

She's sitting behind his desk. Reading an Idaho newspaper. Mel, surprised, enters and closes the door.

MEL

Ms. Kenyon. Is it time for your annual dusting-off already?

Kenyon laughs. As she folds her newspaper...

KENYON

In 1776, Abigail Adams wrote John Adams a letter during the Continental Congress. As your writing this new constitution, she said, "Don't forget the ladies." You know what that bastard went ahead and did?

MEL

I can guess.

She slams the paper down, oriented toward him. *Headline: State Court Finds For Cecil Reed.*

KENYON

These poor people. Sally and Cecil Reed. Divorced. Their teenage son is dead. Both parents want to administer his estate. In Idaho the law says that in this situation, males must be preferred to females. Wait 'til you hear the rationale. Men are better at math.

She taps the newspaper article with her finger.

KENYON (CONT'D)

The Idaho Supreme Court just said that is perfectly legal.

With some effort, she gets up.

KENYON (CONT'D)

He forgot the ladies, Mel. And it's time the ACLU got back in the fight. I want you to get into this Reed v Reed.

MEL

Is this a personal favor or an official directive from a member of the board?

KENYON

It's whichever motivates you more.

MEL

I'll put together a team to look into it.

She pats him on the cheek - grandmotherly.

KENYON

Good boy.

Then opens the door to leave.

KENYON (CONT'D)

And Mel.

She turns back. He's already picked up the newspaper.

KENYON (CONT'D)

On this team of yours. Get Ruth  
Bader Ginsburg.

INT. RUTGERS LAW SCHOOL - RUTH'S OFFICE - DAY

Ruth is at her desk. Grading. Until someone KNOCKS.

RUTH

Yes... Yes?

MILLICENT (30, sultry), Ruth's receptionist, opens the door.

MILLICENT

Excuse me, Professor. Do you have a  
moment?

RUTH

Millicent. Sure. What is it?

Millicent displays two stacks of paper. In one hand: a messy  
pile of scribbled-over text. In the other: neat, typed pages.

MILLICENT (CONT'D)

It's just... I'm typing this brief.  
And jumping out all over the place  
is, well... Sex-sex-sex-sex-sex-  
sex. It reeks of hormones, short  
skirts, zippers --

RUTH

Yes. Yes. I understand.

MILLICENT

For the men who read this... Maybe  
you should use a less distracting  
word. ... Like gender?

It dawns on Ruth...

RUTH

You're absolutely right. Yes. But  
you realize that means --

Millicent is ecstatic.

MILLICENT

No problem. I'm happy to retype it.  
It's worth it.

She turns - and is startled. As Mel appears in the doorway.

MEL

I'm sorry. There was no one...

He points vaguely toward the Reception Desk behind him.

RUTH

Mel? Is there something I can do  
for you?

MEL

Hi Ruth. I was... curious to hear  
how your case is going.

Ruth eyes him skeptically.

MEL (CONT'D)

Is there someplace we can go, and  
you can catch me up?

EXT. RUTGERS CAMPUS - DAY

A bright, late autumn day. Ruth and Mel are walking.

MEL

I get it. I do. We have pre-  
schools. And washing machines.  
Cheap contraceptives. Times have  
changed and more women than ever  
are working. But then can't you say  
the law is serving us well?

RUTH

No! It's fallen behind. And it's  
trying to pull us back with it.  
That's the argument.

MEL

So you're not using the previous  
case law. You're challenging it.

It's clear on his face: he's impressed. He stops and turns to  
her. To Ruth's surprise.

MEL (CONT'D)

Would the argument work as well if  
the client were a woman?

RUTH

Man or woman, the law still uses  
sex as shorthand for ability.

MEL

Sex as shorthand. Hmm...

From his coat pocket, Mel pulls out Kenyon's Idaho newspaper.

MEL

Here. Read.

INT. DINER - DAY

They're in a booth. Coffee mugs. A half-eaten piece of pie in  
front of Mel. Ruth looks up from the newspaper. To mock him.

RUTH

You're not interested in sex-bias  
claims. You don't have the budget.  
You don't have the time.

MEL

And I still say I'd rather be a  
woman in America than a black man.  
Or a socialist. Or a religious  
minority.

(indicating the newspaper)

Kiki, we both know the Reed  
decision makes you more angry than  
I ever could. So let's cut the  
crap.

She measures him up. Then drops the newspaper. Giving in.

RUTH

It's a good idea.

MEL

What's that?

RUTH

Now that I've done the work... You  
want a man AND woman before the  
courts -- both harmed by a gender  
stereotype presumed in the law.

MEL

Oh, I want much more than that. ...  
If you lose in the Tenth Circuit  
Court, what will you do?

RUTH

Appeal to the Supreme Court.

MEL

Of course you will. And so will the  
Government if they lose. They can't  
let a century of precedent just  
fall away. What I want is Charles  
Moritz's case and Sally Reed's case  
to both be argued before the  
Supreme Court... in the same term.

Ruth envisions it. And grows excited.

RUTH

Moritz and Reed... argued just  
weeks apart.

Mel leans in close. A salesman.

MEL

Imagine the impact. The Justices in  
conference, talking about both  
cases at the same time. Your cases.

RUTH

Mine?

MEL

Who else's? Your arguments are the  
backbone of this strategy.

RUTH

Me? In front of the Supreme Court?

Mel leans back. Breaking eye contact. But Ruth is on a roll.

RUTH (CONT'D)

It could end legal sex  
discrimination. ... You really  
think we can pull this off?

MEL

The timing will take some luck. We  
need the Supreme Court to wait to  
hear Reed and for the Tenth Circuit  
to move quickly on Moritz. But, yes  
-- we can pull it off. How close  
are you to finishing your brief?



RUTH  
I could mail it tomorrow.

MEL  
I'll want to review it first.

She considers him, warily. Mel grins.

MEL (CONT'D)  
Ruth Bader Ginsburg and the ACLU. I  
don't see who could stop us.

EXT. DEPARTMENT OF JUSTICE (DOJ) - DAY

An imposing, limestone facade. Over the entry: *"Justice is founded in the rights bestowed by nature upon man."*

BOZARTH (O.S.)  
Trust me. I'm a lawyer and I'm  
telling you, it's illegal...

INT. DOJ - TAX DIVISION - BOZARTH'S CUBICLE - DAY

JIM BOZARTH (26) is gawky in his ill fitting suit. His cubicle is uncluttered: a photo of his wife, his law degree - University of Texas, 1970.

Laid-back, relaxed. Bozarth's on the phone. He speaks with a pronounced Texas twang. Full of airy, likeable, college-boy confidence.

BOZARTH (CONT'D)  
...No. There had to be seven  
players on the line of scrimmage  
for at least one count before the  
snap. Or the formation's illegal.

GLADYS (55) appears, pushing a file cart. A reliable cog in the engine of government.

GLADYS  
Bozarth. You finished a case today.

BOZARTH  
Aw shoot. Honey. Honey. I gotta go.  
... Yeah. ... You too. Bye.

He hangs up. As Gladys passes him a brief. And a clipboard.

GLADYS  
Sign for your next brief.

INSERT: Tenth Circuit Court of Appeals / Charles Moritz v Commissioner of Internal Revenue / Authors - Ruth Bader Ginsburg; Martin Ginsburg; Melvin Wulf, Legal Director, ACLU.

Bozarth, impressed by the cover, lets out a long whistle.

BOZARTH  
10th Circuit Court of Appeals. Know who I am, Gladys?

GLADYS  
Sure do. You're the kid who's going to sign my form.

She presses the clipboard on him. And he signs with a grin.

BOZARTH  
I'm a guy moving up in the world.

GLADYS  
I'll say I knew you when.

As she moves on, Bozarth settles in and opens the brief.

BOZARTH  
Howdy, Mr. Moritz. And what can your Uncle Sam do for you today?

INT. DOJ - TAX DIVISION OFFICES - LATER

Bozarth warily considers a closed OFFICE DOOR on the far side of the room - "Special Attorney" etched on its window pane. Then goes the other way. Approaching another cubicle.

He peers over the edge. HENRY (29) looks up from his work.

BOZARTH  
Henry, young man. Ever see this?

He tosses the Moritz brief on the desk.

BOZARTH (CONT'D)  
That brief is a constitutional challenge to the Tax Code.

HENRY  
Can you do that? What are the grounds?

BOZARTH  
There's the best part. Gender discrimination.

He watches Henry flip through the pages. And get interested.

HENRY

I don't know, Jim. ACLU. Maybe you should run this past the professor.

Bozarth looks back once more toward that closed office door.

BOZARTH

Yeah. I was afraid you'd say that.

INT. DOJ - BROWN'S OFFICE - LATER

The room is utilitarian. Straight lines and right angles. With an orderly and organized charm that's inviting.

(Professor) Brown is 65 now. Dignified. Finished to a high polish. He's at his desk reading the brief. Bozarth watches.

BOZARTH

These folks are runnin' at Hell with a bucket of water. Where in the world did they go to law school?

Brown closes the brief. And picks up his phone. Calmly.

BROWN

May I have the Solicitor General's office, please?

That shuts Bozarth up.

BROWN (CONT'D)

This is Brown. Is he in? ... I need to see him.

(to Bozarth)

It's Bozarth, isn't it?

BOZARTH

Uh... yessir.

BROWN

Are you married, Mr. Bozarth?

BOZARTH

Yes. I am.

BROWN

You should buy flowers. You're going to be home late.

(back into the phone)

All right. We're on our way.

EXT. RANDALL'S ISLAND ATHLETIC FIELDS - DAY

The CRACK of a bat and ball. Jane's Softball Team, in Hallsworth navy and white, makes a double play.

In the bleachers, James goes nuts for his sister. Beside him, Martin, clapping, leans toward Ruth - lost in thought.

From the outfield, Jane notices them talking.

MARTIN

You can't coddle them forever.  
Eventually they go into the world.  
Nothing you can do but trust you've  
given them the best of yourself.

RUTH

She's only fifteen, Martin.

MARTIN

I was referring to your brief.

Caught.

RUTH

What if no one else sees the case  
the way I do? What if, to the  
government and the judges, it's  
just about taxes?

Sympathetically, Martin puts an arm around her. As the inning ends, and the GIRLS (14-16) jog past them to the dugout.

JANE

Mom! Did you see my run?!

RUTH

Hmm. Yes dear. Very impressive.

Jane gives her a dirty look.

JANE

Mom. I'm glad you're supporting  
girls and everything. But why don't  
you start with the ones right in  
front of your face?

(off Ruth's confusion)

I didn't even get on base.

Ruth watches her rejoin the team. A flash of regret.

EXT. NATIONAL MALL - DAY

Bozarth and Brown walk with (Dean) Erwin Griswold (67 now) - the Capitol Dome behind them. Griswold closes Ruth's brief.

GRISWOLD

Ten years I fought to bring women to Harvard Law. This is the thanks I get. Gender equality as a civil right. Who's writing our response brief?

Bozarth leans in. Eager to please.

BOZARTH

That would be me, sir. James Bozarth.

Griswold seems skeptical.

GRISWOLD

Very well. Let's be clear: Moritz is a patsy. This appeal is using the courts to propel a cultural revolution.

BOZARTH

Ain't no one's more scared of a revolution than a judge.

Griswold stops. Facing him. Measuring him up.

GRISWOLD

Exactly. And they're looking to us for a reason to crush it.

Bozarth's relieved as Griswold resumes their walk. Turning right - the Washington Monument coming into view behind them.

GRISWOLD (CONT'D)

Professor Brown. I want you to gather as many people as you need to read the U.S. Code of Laws.

Brown gives him a confused look.

GRISWOLD (CONT'D)

All of it.

BROWN

Why in the world...

GRISWOLD

A revolution, Brown! This case threatens to cast a cloud of unconstitutionality over EVERY federal law that differentiates between men and women. So I want you to cite each and every one of them in your brief. You're going to show the judges the consequences of their decision. ... Gentlemen. This is where I take my leave of you.

They've arrived in front of the WHITE HOUSE. Griswold passes ID to a GUARD in the booth. Who calls ahead.

BROWN

Erwin. To read the entire US Code in time to file, we'd need to pull staff from other divisions. They'd have to work around the clock. The Justice Department will be doing nothing but this.

Bozarth considers this. As Griswold weighs his options.

BOZARTH

Not necessarily.

They both look back at him. Expectantly.

EXT. THE PENTAGON - DAY

Sprawling. It dwarfs the Washington Monument in the distance.

INT. THE PENTAGON - DAY

A hundred reels of magnetic tape spinning. Glowing switches CLACK. And the whole room HUMS. As a keypunch operator (female, 22) hands a box of stacked punch cards to one of a dozen dark-tied technicians.

Through plate glass, Brown and Bozarth watch from a hallway. Amazed by the scale of it all.

BOZARTH

The DOD computer is so powerful it can find all the relevant laws in just a matter of days.

BROWN

Without any human being actually reading them? What a terrifying age we live in.

EXT. GINSBURG APARTMENT - DAY

Ruth exits her Chevy Impala. A stuffed satchel hanging off her shoulder. Carrying a pile of books, folders and papers.

INT. GINSBURG APARTMENT - DAY

Ruth manages to enter her door. Ignoring the light switch, she kicks off her heels. And goes to the DINING ROOM.

She approaches the table. Lifts the pile to place it atop.

But it all falls out of her arms. Books and papers crash and flutter to the ground. An exasperated sigh.

But as she picks up the papers, she finds a manila envelope. Return address: Department of Justice, Washington D.C.

She drops everything. And tears it open.

INT. GINSBURG APARTMENT - LATER

The front door is shut. The apartment has grown darker.

JANE (FROM THE HALL)

Yeah, it's true!

JAMES (FROM THE HALL)

No, it isn't! I don't believe you.

The door opens, revealing Martin, Jane and James.

MARTIN

I spent long, grueling hours posing. And now my own son won't believe me? Would I lie?

JAMES

Mo-om!

Martin turns on the lights. Sees the shoes on the floor.

MARTIN

Honey?

They find her in the Dining Room. Sitting on the floor, surrounded by her spilled papers. Reading the brief.

JAMES

Mommy. Is the sculpture on top of city hall of Daddy?

MARTIN

Kiki. What is it?

She looks up at him.

RUTH

It's the Government's brief. Look who's listed as co-author.

She passes it to him. And his perpetual smile fades.

MARTIN

Griswold must have recruited him to the DOJ. How does it look?

RUTH

Like it's time to get to work.

Martin understands. And eyes her supportively. But so does Jane. She looks away - resigned. *Here we go again.*

RUTH (CONT'D)

Jane. Do you want to help?

INT. MEL'S OFFICE - DAY

Ruth, Kate, Jane and two other FEMALE STUDENTS sit around a table. The brief is open to "Appendix E" on the desk. Each has a volume, looking from the Appendix to her book, searching for the corresponding page.

Kate shows Jane...

KATE

(checking the volume)

You have Title Ten of the U.S. Code. According to the government brief, here's all the laws in Title Ten that discriminate on the basis of sex. These are the section numbers. Next to them, the paragraphs.

She opens Jane's book.



KATE (CONT'D)

You find the section. You find the paragraph. And...

She hands the book to Jane. Who reads.

JANE

Huh. Did you know there's a law that women aren't allowed to pilot military cargo planes?

Mel enters. And is caught off guard.

MEL

What the hell is this?

RUTH

Mel. Make yourself at home.

He's not amused. Ruth takes the brief from Kate. Shows him.

RUTH (CONT'D)

At the end of the government's brief, they added an Appendix.

She shows him 'Appendix E' - a list, pages and pages long.

RUTH (CONT'D)

It's every federal law that discriminates on the basis of sex.

Amazed, Mel takes it from her. Flipping through the pages.

MEL

How in the world did they...

He looks at her. Suddenly nervous. Then glances at the Students and Jane working. He puts it together.

MEL (CONT'D)

You're not going to read every law.

That is precisely what she means to do.

MEL (CONT'D)

This is window dressing. It's a prop to scare the judges.

RUTH

Maybe that's the intent. But we can use it. It's ammunition.

MEL

Ammunition? Your case is hard enough. The last thing you need to do is go into court and argue over laws that AREN'T at issue.

RUTH

The more I know-

MEL

You KNOW enough! Your focus now should be on practicing a hundred different ways to explain it.

Ruth looks down. Humbled. Her Students avert their eyes. Embarrassed for their teacher.

Only Jane watches. Stunned. Distressed. She's never seen her mother spoken down to. Can't imagine that Ruth would take it.

MEL (CONT'D)

We need to set up a moot court.

RUTH

I know how to answer questions.

MEL

We're not talking about eager young minds. These are federal judges. Old curmudgeons with wives at home... baking briskets. And you're going to call them oppressors. I'd say you should practice.

He watches Ruth. Who's still formulating a response.

JANE

You braise a brisket. You don't bake it.

Mel gives her a look. Another Ginsburg heard from.

MEL

I'm not making a request. I am telling you for your own good. Practice your arguments. We are going to hold a mock trial.

He leaves. Ruth, Jane and the Students stare after him.

EXT. GINSBURG APARTMENT - DAY

Pouring rain outside.

INT. GINSBURG APARTMENT - DAY

In the BEDROOM, Martin holds up his tattered bathrobe. Ruth is before the mirror, clasping on a necklace.

MARTIN

What's wrong with it? Does it smell?

He smells it. And is satisfied.

RUTH

Marty. Absolutely not.

MARTIN

Oh you're no fun. A judge needs a robe. Even a moot court judge. I bet you he'll wear it.

RUTH

Gerald Gunther is a man of towering intellect.

Rolling his eyes playfully, he walks away - down the HALL. And she follows. Frustrated, but enjoying the game.

RUTH (CONT'D)

He has been a mentor and a friend.

They enter the LIVING ROOM. It's been transformed into a rough facsimile of a courtroom. James is diligently drawing at the coffee table. Jane is setting up a dictionary lectern as the lawyers' podium

RUTH (CONT'D)

He helped me get my job for heaven's sake. You're not making him wear your cruddy old bathrobe.

Martin stops before the dining room table, moved into the space to serve as a judges' bench.

MARTIN

You're right. I don't know what I was thinking.

(she's relieved)

An apron would be funnier.

As he heads toward the kitchen, Jane and James approach Ruth.

JANE

Mom. Can we be on the jury? We promise to be quiet and we'll take it totally serious.

RUTH

There is no jury. In federal appeals court there's no jury, no witnesses, no evidence. Each side gets thirty minutes to present their case to the judges. And that's it.

She lays her hands upon the lectern - like a lawyer.

RUTH (CONT'D)

You only get one shot.

The DOORBELL rings. She looks to Jane and smiles. Then heads to the FRONT HALL.

She opens the door to GERALD GUNTHER (44). He's genial, with graying hair - thick around his ears, giving way to a bald crown. He wears a collared shirt and gray sweater.

Ruth is delighted to see him. They embrace.

RUTH

Gerry. Jane. You remember my professor. Gerald Gunther.

He speaks with a vaguely European accent.

GUNTHER

(to Jane)

A woman already.

Jane smiles. As he follows them back into the LIVING ROOM...

JANE

What do you think of our courtroom?

GUNTHER

Look at this. All it's missing is Justice holding her scales. Tell me, who did Mel find to be the third judge?

RUTH

Pauli Murray.

He's impressed. As Ruth takes his coat.

GUNTHER

He's not making it easy for you.

JANE

Who's Pauli Murray?

GUNTHER

Don't they teach anything at your school?! Pauli is a GREAT lawyer! Thurgood Marshall himself called her writings the Bible of the Civil Rights Movement.

Martin enters from the direction of the kitchen, wielding a meat tenderizer.

MARTIN

Gerry. I come bearing your gavel!

INT. GINSBURG APARTMENT - LIVING ROOM - LATER

Beneath a drawing (by James) of Justice, the moot-court judges sit behind the dining room table.

Gerry, wearing Martin's robe, bang-bang-bangs his meat tenderizer gavel.

Mel is to his left.

And to Gerry's right is PAULI MURRAY (61) - a petite, black woman with short hair in tight curls and round glasses. Her grin extenuated by joyous laugh lines.

Martin watches from the couch. Beside him, Kate takes notes.

GUNTHER

Counsel for the appellant, you may proceed. Again.

Ruth, at the lectern, is already frazzled.

RUTH

May it please the court. Section 214 covers employed, single women who provide care for ailing parents. But excludes Charles Moritz, a bachelor providing the same care. There is no rational basis for this difference in standing under --

PAULI

Why isn't it rational, professor Ginsburg? Men go out. Women stay home. That's the way of things for thousands of years.

Ruth takes a breath. Keeps her cool.

RUTH

Historical justification was also used to legitimize the separation of the races. Now classifications based on --

GUNTHER

Are you suggesting race and gender are the same?

RUTH

They share certain characteristics. As a man, the opportunities you --

PAULI

My wife stayed home and raised our children. You're saying she's oppressed?

RUTH

Pauli. Obviously that's not what I meant to --

GUNTHER

I'd like to return to the question of race and gender.

RUTH

Yes. Thank you.

(suddenly rehearsed)

Consider the similarities between race and gender. Both traits are biological, unalter --

MEL

This nation struggles to give blacks fair representation throughout society. You suggest we now do the same for women?

RUTH

I don't understand the --

GUNTHER

If we decide in your favor on gender discrimination grounds. Are we committing ourselves to working toward half our... I don't know... firemen being women?

RUTH

If women want to fight fires --

PAULI  
What about policemen?

RUTH  
Again if women --

MEL  
Judges? Generals? CEOs?

RUTH  
And men should be teachers and  
nurses if they choose. But the  
point isn't percentages, all people  
should be able to pursue their own  
passions and achieve --

MEL  
Wrong!

RUTH  
Would you let me finish?!

She slams her podium. Kate looks up from her note-taking. As they all fall silent. Ruth realizes she's blown it.

RUTH (CONT'D)  
This is ridiculous. I know the  
answers. I just need a minute to --

MEL  
No! Your wasting time and you're  
scaring the judges.

RUTH  
I'm answering *your* questions.

MEL  
Don't! What do my questions have to  
do with your client? Don't give me  
an excuse to fear the changes this  
decision could bring about.

GUNTHER  
Mel. I think she understands.

MEL  
She better. Because I was baiting  
her.  
(to Ruth)  
And you walked right into the trap.

RUTH  
So what would you have said?

MEL

Not that!

She continues to stare down. Frustrated. Angry.

MARTIN

You evade.

He rises. He's gentle. Supportive. Like an excellent teacher.

MARTIN (CONT'D)

I've never considered the question,  
your honor. Because my client isn't  
a fireman.

Mel looks up. *That's not bad.* Martin steps closer to Ruth.

MARTIN (CONT'D)

Or you refocus. All due respect,  
Judge. This case isn't about  
firemen; it's about tax payers. And  
there's nothing inherently  
masculine about paying taxes.

He reaches her. And she allows room as he takes her spot at  
the lectern - demonstrating.

MARTIN (CONT'D)

Or crack a joke. Your honor, no one  
who's raised children would be  
intimidated by a burning building.  
Then lead them back to your case.

Ruth looks to Martin: *Thank you.*

MEL

Martin... You should handle oral  
arguments.

It lands like a grenade. Ruth is demolished. Martin looks to  
her. And begins backing away from the podium.

MARTIN

No. No way. I was just... Ruth is  
the expert in gender law.

GUNTHER

At least half this case is tax.  
This is your expertise.

MEL

And you have the courtroom  
experience. The most important  
thing is that Charles Moritz wins.



MARTIN

I said no. Drop it Mel.

PAULI

They could split the time.

They all look to her.

PAULI (CONT'D)

Martin will go first. He'll focus the argument on taxes. Then Ruth steps in to talk about gender.

Her tone is so even. Her solution, so reasonable. Her affect, so definitive. It's clear they agree.

INT. GINSBURG APARTMENT - FRONT HALL - LATER

The 'Judges' are getting ready to leave. As Ruth chats with Gunther and Pauli, Martin sidles up to Mel. Quietly. Angrily.

MARTIN

There is NO aspect of the law at which Ruth Bader Ginsburg can be bested. I don't know how things work at the ACLU. But if anyone at my firm couldn't see that, he'd be fired.

MEL

Objection noted, counselor. She's still arguing half.

He stops putting on his coat.

MEL (CONT'D)

She's written a revolutionary argument. Know what the young women at my office call it? The Grandmother Brief. They know it's the start of something important. Even I can see that. But writing a brief and presenting oral arguments are very different skill sets.

He resumes buttoning his coat. As Martin looks him over.

MEL (CONT'D)

Listen, I want you do to something for me. If things are going badly in court, Ruth can stop her argument.

(MORE)

MEL (CONT'D)

She can reserve time for rebuttal.  
Think of it as an escape hatch.

MARTIN

That's not going to happen.

MEL

Okay. But if it does. If it comes  
down to a rebuttal. You take over.

Mel turns away - suddenly cheerful.

MEL

Well, I think this was a very  
productive exercise. I have to get  
to a fund raiser. Pauli. Gerry. Are  
you headed downtown?

GUNTHER

Yes. After you.

He lets Pauli go first.

PAULI

Goodbye, Martin.

GUNTHER

So long.

But Martin pays them no mind. They leave. Closing the door  
behind them. Slowly, he turns to Ruth.

MARTIN

Kiki.

RUTH

It's fine. They're right. You're  
more experienced.

But she's clearly disappointed.

MARTIN

Only because I had the opportunity  
to gain experience.

RUTH

No. You're a charming man. Always  
have been. Besides, it's not like  
it's the Supreme Court. Yet. For  
now... you'll do a good job of  
warming up the judges for me.

INT. DEPARTMENT OF JUSTICE - CONFERENCE ROOM - DAY

Projected on a screen is a stalwart man, 57, with close-cropped hair and perfect posture.

BOZARTH

This is Judge Fred Daugherty.

Bozarth stands before the image. A team of six DOJ Lawyers in suits - all men, including Henry - around his end of the table. Griswold and Brown are their audience.

BOZARTH (CONT'D)

He's a Mason. His wife Betsy is a homemaker.

BROWN

(to Griswold)

Homemaker wife bodes well.

A WOMAN is running the projector. At the mention of Betsy, she changes slides: a newspaper clipping announcing their marriage - December 15, 1965.

BOZARTH

He was nominated to the bench in-

GRISWOLD

Cut to the chase. Will he respond to our position that Martin Ginsburg and his wife are radicals agitating for change?

A new image of Daugherty appears on the screen.

BOZARTH

He was a brigadier general. Like any military man the idea of an agitator will make his skin crawl.

GRISWOLD

Excellent. Moving on.

BOZARTH

Ehem. Yessir.

The Projectionist skips ahead several slides. To a friendly-looking man. 48. Soft-featured with a broad smile.

BOZARTH (CONT'D)

Will Holloway. Wife worked until they were married. Two children, including --

GRISWOLD

Yes. Yes. What do you say, Ernie, are we on the right track here?

BROWN

Absolutely. We'll drive the point that the Ginsburgs are USING the court to engineer social change.

GRISWOLD

Yes. *That change* is what this case is really about. Children coming home to empty houses, unsupervised, doing God-knows-what. Divorce rates skyrocketing. Men losing jobs to women who can work for less, not being able to support their families. Let the other side bicker about the Equal Protection Principle.

BOZARTH

That may not be a winning strategy.

Bozarth watches them all turn to eye him. A nervous beat.

BOZARTH (CONT'D)

I've read all of Judge Holloway's opinions. He's diligent about following lawyers through the case law. Scaring him won't change that.

He's got Griswold's attention.

GRISWOLD

Go on.

BOZARTH

And then there's William Doyle.

He nods to the projectionist. Again, she skips ahead. To a thin man, 60, with round glasses and a shock of white hair.

BOZARTH (CONT'D)

This here's the man who issued the ruling that desegregated Denver. They called him an agitator. And radical. Someone threw a homemade bomb at his house.

Brown lifts an eyebrow.

BOZARTH (CONT'D)

Even after his wife left, he didn't quit. This isn't a man who will be persuaded by labels.

A SECRETARY (30) enters. And passes a note to Griswold.

GRISWOLD

So what do you suggest?

He opens the note.

BOZARTH

We still call the Ginsburgs radical. But also we praise the courts. For the work they've already done for equality. Argue this appeal is undermining --

Rising, Griswold crumples the note and tosses it to Brown.

GRISWOLD

*These judges are the least of our problems now.*

And he's gone.

Brown un-crumple the note. Conscious of being watched. And reads it. Releasing a long, distressed breath.

INT. GINSBURG APARTMENT - LIVING ROOM - DAY

Martin watches a golf tournament. James is adding sound effects to the mayhem he's drawing at the coffee table.

MARTIN

James. James! Call a truce.

ANNOUNCER (ON TV)

This is a News Bulletin.

And the television cuts to the NEWSROOM.

NEWS ANCHOR (ON TV)

Breaking legal news today from Washington. Are women entitled to equal protection under the law? A federal lawsuit says they are.

Martin looks over to the television. He's beaming.

MARTIN

Go get Mommy!

INT. GINSBURG APARTMENT - BEDROOM - MOMENTS LATER

Ruth is before her mirror. Practicing.

RUTH

May it please the court. Section  
214 denies Mr. Moritz a tax  
deduction- Charles Moritz? Charlie.  
Charlie Moritz. May it please --

The door flies open. Ruth jumps.

JAMES

Mommy! Mommy! Daddy says you're on  
TV!

INT. GINSBURG APARTMENT - LIVING ROOM - MOMENTS LATER

Ruth rushes around the corner. Giddily. James behind her.

RUTH

What's this about --

Martin holds out his hand to her.

MARTIN

Come. Come. Come.

NEWS ANCHOR (ON TV)

David Winthrop has more from  
Washington.

She joins him on the couch. The two of them grinning. James  
is bouncing.

As the television cuts to a REPORTER in front of the U.S.  
SUPREME COURT.

REPORTER (ON TV)

It's a case that may change the  
role of women under the law.

Martin and Ruth clasp hands.

REPORTER (CONT'D)

The Supreme Court today confirmed  
they will hear the appeal to an  
Idaho Court ruling in Reed v Reed.

RUTH

What, already?

REPORTER (CONT'D)

The dispute is between Sally and Cecil Reed, a divorced couple. When their son committed suicide, both parents asked to administer the estate. The law specifies that preference must go to the father. A law which the American Civil Liberties Union, championing women's equality, calls unconstitutional.

Mel appears on screen at a PRESS CONFERENCE outside the ACLU.

MARTIN

Did he call you?

Seeing the fury and confusion in her eyes, he has his answer.

MEL (ON TV)

We'll show that laws like this use sex as shorthand for ability. And that that limits the freedom of both men and women. I'd like to introduce the lawyer who will make that argument, Allen Derr.

Ruth lets go of Martin's hand.

INT. MEL WULF'S OFFICE - DAY

Mel is on the phone when the door flies open. Ruth storms in.

RUTH

Allen Derr?!

MEL

I'm going to have to call you back.  
... Looking forward to it. Goodbye.

His smiles drops as he hangs up the phone.

MEL (CONT'D)

Ruth.

RUTH

It's the Supreme Court, Mel. Did you think I wouldn't hear about it?

She's pacing the room - righteous indignation.

RUTH (CONT'D)

First you took half of Moritz away. Telling everyone I'm not "man enough" for the job. And I didn't complain. Hell, I practically helped you.

MEL

Nobody took away --

RUTH

"Two cases at the same time. Moritz and Reed." You said they'd be my arguments.

MEL

I've had about enough of this display.

She stalks closer. Anger - and desperation - boiling over.

RUTH

The Supreme Court will hear Reed v Reed before the 10th Circuit Court has even issued an opinion. And you're going with Allen Derr? The man has no experience before federal judges!

Mel rises. Meeting her eye-to-eye.

MEL

When I gave you this opportunity --

RUTH

Oh you gave it to me?

MEL

Yes in fact I did. Damn it Ruth, get your emotions in check.

RUTH

You first.

They stay that way. Eye-to-eye. Face-to-face. Seething.

MEL

I said it would be your argument. But I never promised you would be the one who makes it in court. You assumed that.

He falls back into his chair.



MEL (CONT'D)

No. Allen Derr does not have the experience. In fact, I doubt he's up to this. By the way, the same could be said of you. Would you sit down?

She does.

MEL (CONT'D)

The whole thing's ass-backwards. It's at least partially your fault. (off Ruth's look) Until you came along with this Moritz character, the ACLU wasn't worried about gender rights. You convinced us to take a look at the woman issue in the first place.

RUTH

I'd say you've got a woman issue.

He gives her a look. And she drops the defensive sarcasm.

MEL

We hoped we'd get lucky with the timing. We didn't. Now Allen Derr's going before the Supreme Court --

RUTH

Do you even know what he's going to say?

MEL

That's why we have you.

He reaches into his drawer, pulling out a small pile of documents.

MEL (CONT'D)

These are the briefs Derr filed in the Idaho Courts. I know you're busy with your case. But I need you to help him write a brief worthy of the U.S. Supreme Court.

As he tosses them across the desk toward her...

RUTH

Ha! I'm sure you do.

MEL

He's been Sally Reed's lawyer for three years, Kiki.

She gets up. Leaving the documents.

MEL (CONT'D)

I will say one thing for him. The man does give a shit about this.

She sighs. And picks up the briefs.

RUTH

How long ago did you know that he was going to argue Reed?

MEL

He insisted. It was the only way he'd work with us.

RUTH

How long?

He looks her bluntly in the eye.

MEL

Since the beginning.

INT. GINSBURG APARTMENT - KITCHEN - NIGHT

Martin is talking on the phone. From another room, a VIOLIN scratches out painful notes.

MARTIN

I will. ... Yes. It's nice to hear your voice. ... Goodbye.

He hangs up. Considers his conversation.

MARTIN (CONT'D)

Shit.

INT. GINSBURG APARTMENT - DINING ROOM - CONTINUOUS

His work is laid out on the table: a stack of papers, a pad and pen. Martin sits before it, writing notes in the margin of a contract.

He hears the FRONT DOOR open and close. Then Ruth rummaging in the KITCHEN cabinets.

INT. GINSBURG APARTMENT - KITCHEN - CONTINUOUS

Martin enters. Finding Ruth before an open cabinet.

RUTH  
It's a wonder you can find anything  
in this kitchen.

MARTIN  
How did it --

RUTH  
Apparently I'm the only one who  
thinks I'm ready for the Supreme  
Court.

MARTIN  
Kiki. I need to tell you something.

RUTH  
Oh Marty. Can't it wait?

MARTIN  
No.

She stops to look at him.

RUTH  
So tell me.

MARTIN  
Ernie Brown called. The  
Government's offered to settle  
Charlie's tax debt for a dollar.

Her face falls. She can see where this is going.

RUTH  
They're killing our case. Of course  
they are. The issue's taken on new  
importance. They're not going to  
risk arguing it twice.

She looks like she could break something. But she takes a  
deep breath. Soldiering on.

RUTH (CONT'D)  
Couple hours ago I was preparing to  
argue a pair of landmark cases. Now  
one's dead. I don't get to argue  
the other.

She shows him the Reed briefs, dropped on the counter.

RUTH (CONT'D)  
And all I'm doing is helping write  
a brief...

She reflects on this turn of events.

RUTH (CONT'D)  
 And I've been running around  
 claiming times have changed. ...  
 What is that sound?!

MARTIN  
 Hmm? Oh. James has been harassing  
 me for months for violin lessons. I  
 gave in.

One more thing out of her control. It's all too much. She  
 passes Martin. And he watches her go.

MARTIN (CONT'D)  
 Ruth. Brown's expecting you in D.C.  
 on Monday. To sign the statement  
 they'll present to the Court.

RUTH  
 I'll call Charlie. He may as well  
 take the offer.

It's on his face as she leaves. Martin knows she's given up.

INT. GINSBURG APARTMENT - LIVING ROOM - MOMENTS LATER

Ruth comes upon James. Standing seriously before a music  
 stand. Torturing his instrument.

RUTH  
 That sounds wonderful. May I  
 listen?

JAMES  
 No. I'm practicing.

RUTH  
 I know. I just want to --

JAMES  
 I'm practicing!

RUTH  
 ...Okay.

She considers the photograph of her mother on the shelf.

RUTH (CONT'D)  
 Then why don't you practice in your  
 room, dear? Mommy needs to work.

With a groan, he stomps out of the room with his books, stand and instrument.

Turning away from her mother, she crosses the room to the index cards still tacked to the wall. And begins taking them down. One by one. Piling them on the coffee table.

Down the hall, James's VIOLIN - muffled - begins again. Ruth smiles to herself. As Jane enters, carrying a stapled stack of papers.

JANE

Whoever's idea it was to give that kid an instrument has a sick sense of humor.

RUTH

Is that your homework?

JANE

Yeah. Daddy already checked it. I'm just showing him I made the changes.

RUTH

Still. I could --

JANE

Mom. I can only rewrite a paper so many times.

Ruth gives up on it.

RUTH

... So how are you?

JANE

What do you mean? ... Is everything okay?

RUTH

It's fine, honey.

She turns back to the wall. Resumes taking down the cases.

JANE

Dad told me about the Supreme Court. Why's Mr. Wulf being such a douche bag?

Ruth looks back at her. Displeased with the language. Though she can't help but chuckle.

RUTH

He says he has no choice. ... Maybe it's for the best. I don't know.

JANE

If you say so.

Ruth offers a poor attempt at a smile.

JANE (CONT'D)

So do you want help taking apart your life's work or is that something you'd rather do alone?

Ruth glances back at the wall. At the books still piled in the room. And at her daughter, waiting for an answer.

RUTH

I know that this work... that I disrupted our lives. I'm sorry if it ever seemed...

JANE

Mom. I get it. Who was all this for, if not for me?

She hugs Jane. As she does...

RUTH

Anyway. It's over now. I better make a call.

Jane nods. And moves to leave.

RUTH (CONT'D)

You don't have to go, Jane. You can stay. If you want.

It's clear in Ruth's look that she needs Jane there. Jane stays, as Ruth picks up the phone and dials from memory...

RUTH

Charlie. It's Ruth. I have some news.

INTERCUT:

INT. MORITZ'S HOME OFFICE - DAY

Moritz cradles the phone to his ear with his shoulder. He's carrying a stack of textbooks to a half-filled crate - packing for a sales trip.

MORITZ

I don't understand. What does this mean?

RUTH

Your tax bill has been reduced to a dollar.

MORITZ

So you did it. We won. Ruth! Congratulations!

But Ruth's mood is unchanged. Jane watches compassionately.

RUTH

You can keep your two-hundred and thirty-six dollars.

MORITZ

This is amazing! And they'll say it, right? That I'm not a cheater. That the law is unfair.

RUTH

No, Charlie. That's the point. They don't want to... *They* will never say that. A judge has to. We can still go to court. ... In the end, you may walk away with nothing.

MORITZ

But if they don't say it, Ruth... how have I gotten justice?

A realization dawns on Ruth. This is about more than just a cause. It's also about her client.

She glances at Jane, who can see that something has changed.

RUTH

You haven't.

MORITZ (O.S.)

You're my lawyer. What do you think I should do?

Off Ruth: with a decision to make.

EXT. DEPARTMENT OF JUSTICE BUILDING - DAY

A throng of WOMEN march down D street. Through a chasm of vitriol. MEN - on both flanks - shouting heinously. *Ugly. Bitch. Slut. Whore. Get back to your kitchens.*

But they march on. The women CHANT, CHEER, BLOW WHISTLES. Together. Their placards depict the logo of the National Organization for Women. They demand "Equality Now!"

Ruth is trying to cross against the current. Hugging a briefcase to her chest.

At last she makes it to the steel barricade before the Department of Justice. Where a POLICE OFFICER (40) snarls.

POLICE OFFICER  
Keep movin' honey.

RUTH  
I'm not part of... I have an appointment.

INT. DOJ - BROWN'S OFFICE - DAY

Brown opens the door to Ruth. He takes her hand. Warmly.

BROWN  
Ruth.

RUTH  
Hello Professor Brown.

BROWN  
You're not a student anymore. It's Ernie. Come in. Come in. How's little Jane?

He offers her a seat and takes his behind the desk.

RUTH  
Not so little. And we have another. James.

BROWN  
They must keep you busy.

RUTH  
Yes. Both of us.

Bozarth enters cautiously. And Ruth rises. They shake hands.

BROWN  
Ah. Ruth Ginsburg, may I introduce James Bozarth. Ruth was always my most thoroughly prepared student.  
(they resume their seats)  
So much to prove.  
(MORE)



BROWN (CONT'D)

These days the girls are as  
hopeless as the men.  
You spoke to your client?

RUTH

Yes. He IS interested in accepting  
your offer.

BROWN

Excellent. Excellent. We have the  
paperwork all ready.

RUTH

There are, however, conditions.

BROWN

Conditions...? Fine. Fine.

RUTH

First of all. He'd like you to  
forgive a hundred percent of the  
money. None of this one dollar  
business.

BROWN

Ha. Well... I'm sure we can find a  
way to arrange that.

RUTH

And he'd like the government to  
concede, and to enter into the  
court record, that he didn't cheat  
on his taxes -- because Section 214  
discriminates on the basis of sex.  
And is therefore unconstitutional.

Brown and Bozarth's smiles drop.

BROWN

I can't do that. And you know it.

She's already rising to go.

RUTH

In that case. Mr. Bozarth. Ernie.  
I'll see you in court.

INT. DOJ - TAX DIVISION OFFICES - MOMENTS LATER

The elevator door slides open. Revealing Griswold. As he  
steps out, Ruth passes him. A self-satisfied smile.

RUTH  
Hello, Dean Griswold.

He does a double-take as she gets in the elevator. And the doors close. Griswold looks back to Brown and Bozarth, in Brown's office doorway.

GRISWOLD  
I know her. Don't I?

BROWN  
That was Ruth Bader Ginsburg.

GRISWOLD  
THAT'S Ginsburg? I remember her!

BOZARTH  
She just turned down our offer.

GRISWOLD  
When Nixon hears we failed to...  
We're all going to end up on one of  
his damn lists.

He weighs the consequences. But a thought sweeps across his face - a flash of a grin.

GRISWOLD  
*She* turned down... Not the husband.  
Is SHE arguing in court?

It comes spontaneously. A deep belly laugh.

GRISWOLD  
Oh, Mr. Bozarth. You're going to  
have fun!

EXT. THE BROWN PALACE - DAY

A grand, brownstone hotel - a wedge between two of Denver's broad boulevards.

INT. HOTEL BATHROOM / HOTEL ROOM - DAY

Concealer, lipstick, mascara in a pile on the counter. Ruth applies blush - a forced smile. The smile fades.

KNOCK-KNOCK-KNOCK on the BATHROOM door.

MARTIN (O.S.)  
Justice delayed is justice denied.

The final touch: she puts on the same gold pin that's in her mother's photograph. Then opens the bathroom door.

For the first time since we've met him, Martin is in a suit. Ruth is prim and beautiful in a skirt-suit and heels.

MARTIN (CONT'D)

Mel's out front. Are you ready?

Her whole body's clenched. He's sympathetic.

MARTIN (CONT'D)

Hey. You did it. You're here. You don't have to worry about whether they'll listen to you. They HAVE to listen. You're ready.

EXT. 10TH CIRCUIT COURTHOUSE - FRONT STEPS - DAY

A neoclassical facade. Columns three stories high. Mel parks a rented Dodge in front. He, Ruth, Martin and Kate all unpack themselves from the car. Ruth looks up at the building.

As a black town car pulls up. And another. DOJ Lawyers step out. With Bozarth and Brown.

Brown spies Martin and approaches.

MARTIN

Professor Brown.

He clasps Martin by the hand. Another hand on his shoulder. And eyes Ruth, still staring up at the building.

MARTIN

Oh. She's... getting in the zone.

BROWN

Ah. I see.

She isn't. He doesn't.

INT. COURTROOM - DAY

Ruth, Martin, Kate and Mel enter between gray, marble pillars. A chandelier casts the JUDGE'S BENCH in warm light. Over it, a clock and an adage: *Reason is the Soul of All Law.*

A small CROWD loiters amidst the pews IN THE GALLERY. From among them, Moritz approaches.

RUTH

Charlie.

MORITZ

Good morning.  
 (to Mel)  
 Mr. Ginsburg?

MEL

Uh... Um. No.

Kate chuckles.

MARTIN

Mr. Moritz. It's nice to finally  
 meet you.

They shake. Moritz looks warily toward Bozarth and Brown,  
 huddled with the other DOJ Lawyers at THE APPELLEE'S TABLE.

MORITZ

Who are all those people?

KATE

Your tax dollars at work.

The Court Clerk puffs his chest.

COURT CLERK

All rise. The United States Court  
 of Appeals for the 10th Circuit is  
 now in session. Judges Doyle,  
 Holloway, and Daugherty presiding.

Martin and Ruth find their place at the APPELLANT'S TABLE.

As the Judges enter from behind the velvet curtain beyond THE  
 JUDGES' BENCH. Each takes a seat behind his name plate.

In THE GALLERY, Mel and Kate flank Moritz. Kate reminds him  
 to remain standing.

JUDGE HOLLOWAY

Be seated.

Martin and Ruth share a glance as they sit. At THE APPELLEE'S  
 TABLE across the aisle, Brown catches Bozarth eyeing them.

BROWN

You have two centuries of case law  
 on your side. Just do your job.

Holloway flips through a couple papers on his desk.

JUDGE HOLLOWAY

The first case is docket number 71-1127. Charles Moritz v Commissioner of Internal Revenue. Each side will have 30 minutes to present. When two minutes remain, the Court Clerk will rise to give warning. When your time is up, he will sit.

He looks over at Martin and Ruth, seated together before him.

JUDGE HOLLOWAY (CONT'D)

Counsel for the appellant, you may proceed.

Martin and Ruth look to one another supportively. And it begins. Martin takes his place AT THE LECTERN, checking the time on the clock overhead. 9:00 AM.

IN THE GALLERY, Moritz sits taller. Smiles nervously to Kate.

MARTIN

Martin Ginsburg for the appellant. May it please the court. We're going to demonstrate that Section 214 of the tax code discriminates against our client -- Charles Moritz -- because he is a man.

FROM THE BENCH the Judges settle in. Interested. And engaged.

INT. COURTROOM - 9:13 AM

ON THE BENCH, Judge Holloway remains polite. Thoughtful.

JUDGE HOLLOWAY

Congress assumed that a caregiver is most likely a woman. Is that so unreasonable?

MARTIN

If the law said ALL caregivers can claim a deduction. And in the back of their minds the authors thought, well, this will only apply to women, THAT would be an assumption. But they did more than that, Judge. They explicitly listed WHO counts as a caregiver. And in doing so, they left out Mr. Moritz.

JUDGE DOYLE

As is their prerogative, Mr. Ginsburg!

He leans forward on his elbows.

JUDGE DOYLE (CONT'D)

The fact remains. Congress has the constitutional authority to write whatever tax law they want.

MARTIN

I doubt you'd turn a blind eye if the code said that only WHITE caregivers --

JUDGE DOYLE

That's hardly the same thing.

Martin checks the clock. 9:14:40

MARTIN

Respectfully we disagree. But I'll turn it over to my co-counsel to address the constitutional --

Ruth begins to get up.

JUDGE DOYLE

You're telling us that race and gender are the same?

Ruth is stuck, mid-rise. Watching Doyle.

JUDGE DOYLE (CONT'D)

I don't remember reading about shiploads of women forced across the ocean to work plantations in my history books.

MARTIN

Your honor, my co-counsel --

JUDGE DOYLE

Yes. Yes. We'll get to her in a minute. I want an answer to my question.

Ruth sinks back into her seat. And Martin is caught looking back and forth between her and Doyle. She urges him on with her eyes: *Get out of there.*

JUDGE DOYLE (CONT'D)

In order for a law to discriminate, it must distinguish between groups arbitrarily. Is that correct?

MARTIN

Again. Your Honor. My wife --

JUDGE DOYLE

MISTER Ginsburg. I have asked YOU.

Martin looks to Ruth. An apology. He has no choice...

MARTIN

It must be arbitrary. Yes. And this law is. Mr. Moritz is a man who has never been married. That may suggest he is less likely to have child-care responsibilities. But not parent-care responsibilities. Had he been a woman --

Judge Daugherty cocks a skeptical eyebrow.

JUDGE DAUGHERTY

And to your mind, classifications of this sort must always be discriminatory.

AT APPELLEE'S TABLE, Brown leans close to Bozarth.

BROWN

There's some help. He's asking him to make a broad categorical claim.

MARTIN

I can't speak to always, Judge Daugherty. We can only speak of this man. In this case.

IN THE GALLERY, Mel lets out a breath. Martin nailed it.

JUDGE DAUGHERTY

Very well.

He takes a note on the brief before him. As Martin moves away from the LECTERN.

JUDGE DAUGHERTY (CONT'D)

Then speak of him.

The COURTROOM chuckles. Especially Brown. In the ruckus, Martin turns to check on Ruth. She's staring at her notes.

MARTIN

Again. The distinction between Mr. Moritz and other caregivers is, in Judge Doyle's words, arbitrary.

(hurriedly)

I concede the remainder of the time to my co-counsel.

Ruth looks up. Realizing she's on. As Martin gathers his papers and flees the LECTERN.

As he passes, he eyes Ruth: *What could I do?* Martin sits at the APPELLANT'S TABLE. As Ruth approaches the lectern.

FROM THE BENCH, the Judges eye her skeptically.

She adjusts the microphone down. To Doyle's amusement.

RUTH

Ruth Bader Ginsburg for the appellant. Your Honors.

She watches them. Looking down on her. And falls silent. She cannot see Martin urging her on with his eyes.

IN THE GALLERY, Mel sits forward. Nervous. Moritz notices.

JUDGE DOYLE

Whenever you're ready, Mrs. Ginsburg.

RUTH

... May it please the court. Section 214 denies Mr. Moritz a caregiver tax deduction available to similarly situated women who --

JUDGE DAUGHERTY

Yes. Yes. We've been through all that. Mrs. Ginsburg. You are aware that the government has three co-equal branches?

She watches. Expecting him to continue.

JUDGE DAUGHERTY (CONT'D)

Mrs. Ginsburg?

It dawns on her. He actually expects an answer.

RUTH

Yes. Of course, Judge.



JUDGE DAUGHERTY

And that it is the Congress's role to write law.

RUTH

Your Honor. I understand how government works.

JUDGE DAUGHERTY

Well sometimes a law -- even a good law, even a law that is legal under the constitution -- may not be good for every individual it affects.

Judge Holloway scratches his head thoughtfully.

JUDGE HOLLOWAY

I have a question. If I understand correctly, you're concerned about men and women being pigeon-holed into certain roles based on gender.

RUTH

Yes. That's correct. Because --

JUDGE HOLLOWAY

Excuse me. That wasn't my question.  
(Ruth grimaces)  
It strikes me that the caregiver deduction does the opposite. It helps women be able to work outside the home. Isn't that a good thing?

RUTH

Not for Mr. Moritz. The law assumes it must be the woman who is at home in the first place.

JUDGE DOYLE

That's the case in every family I know.

JUDGE HOLLOWAY

So it's the assumption that's the problem?

JUDGE DAUGHERTY

Then when CAN a law differentiate on the basis of sex? Never?

Ruth stares up at Daugherty for a beat. Catching up.

IN THE GALLERY, Moritz glances down at Kate's knee - bouncing nervously. Then back at Ruth.

RUTH  
When the classification is  
rationally related to the law.

JUDGE DAUGHERTY  
Keeping women out of combat, for  
example.

RUTH  
I'm not sure whether I agree with  
that example, but --

JUDGE DAUGHERTY  
So you think women belong on the  
front lines now, too?

IN THE GALLERY, Mel closes his eyes. Exasperated.

RUTH  
No. That's not what we're here  
to... I didn't mean to say that.

JUDGE DOYLE  
Then what DID you mean, Mrs.  
Ginsburg?

RUTH  
I merely meant...

Ruth takes a deep breath. Composing herself.

RUTH (CONT'D)  
(suddenly rehearsed)  
Gender. Like Race. Is a biological,  
unalterable trait.

Judges Doyle and Daugherty share an exasperated look.

RUTH (CONT'D)  
There is nothing that women are  
inherently better at than men. Nor  
vice versa.

JUDGE DOYLE  
Growing a beard.

The GALLERY laughs. And Doyle appreciates the attention. As  
Ruth grows visually frustrated.

RUTH  
That isn't --

JUDGE DOYLE  
Lactation.

More laughter. AT THE APPELLEE'S TABLE Brown and Bozarth share a satisfied grin.

RUTH  
(bursting)  
No thinking person can possibly believe Charles Moritz's gender relates to his ability to --

Her hand strikes the microphone. And it SQUEALS. Leaving the courtroom dauntingly quiet in the wake of her outburst.

IN THE GALLERY, Mel drops his head. Defeated.

AT THE APPELLANT'S TABLE, even Martin looks away.

Ruth knows she's blown it.

JUDGE DAUGHERTY  
Why can't we? Mrs. Ginsburg?

Staring at the floor, she doesn't answer.

JUDGE DAUGHERTY (CONT'D)  
In most households, aren't women the primary caregivers? Aren't men the breadwinners? ... Aren't they?

She readjusts the microphone.

RUTH  
Yes, Your Honor.

JUDGE DAUGHERTY  
Then doesn't the evidence seem to suggest that it's the natural order of things?

She looks to Martin. Who watches her with deep and tender sadness in his eyes.

RUTH  
Respectfully. Your Honors. I'd like to reserve the remainder of my time for rebuttal.

Slowly. She gathers her papers. And returns to the APPELLANT'S TABLE. Daugherty tosses up his arms.

As Ruth sits, Martin leans toward her.

MARTIN  
(whispering)  
It's not over yet.

IN THE GALLERY, Moritz turns to Mel.

MORITZ

I don't think I followed all that.  
How are we doing?

Mel eyes him askance. *Are you serious?* He mimes an explosion.

JUDGE HOLLOWAY

Counsel for the appellee. You may proceed.

Brown nods supportively. Bozarth steps to the LECTERN. 9:27.

BOZARTH

James Bozarth for the government,  
y'honor.

JUDGE HOLLOWAY

Ah. Bozarth. The master of citations!

BOZARTH

That's what my family calls me too,  
Judge.

Doyle chuckles.

BOZARTH

May it please the court. Congress created this tax deduction to help caregivers go out and work. Caregivers. Folks that, if they weren't working, would be home.

Martin focuses his attention on Ruth. Eyes her steadily. As she stares ahead. Maintaining her composure.

BOZARTH (CONT'D)

Does anyone believe that this deduction is the only thing keeping this MAN from staying home?

IN THE GALLERY, Moritz listens intently. One thing about him: he could be any man.

BOZARTH (CONT'D)

Let's say he did stay home. Are we meant to believe that he would have the skills or the... caregiver's instinct to do the job?

Martin - calmly, quietly - takes Ruth's notes from before her on the table. She watches them slide away. A flash of relief. As Martin begins to review them. Preparing for rebuttal.

BOZARTH (CONT'D)

The Government will show that though Congress chose not to cover never-married men in Section 214, Mr. Moritz has not suffered as a result.

INT. COURTROOM - 9:53

STILL AT THE LECTERN, Bozarth is winding down.

BOZARTH

Y'honors, I'm certain there isn't a man amongst us who wouldn't try to ease his wife's burdens.

AT THE APPELLANT'S TABLE, Martin is working on Ruth's notes. Drawing arrows, jotting down reminders.

BOZARTH (CONT'D)

So I don't see how we can judge negatively the members of Congress who would do the same. And I'm not alone in that. There is a long and honorable tradition in the Courts of supporting laws like this one.

The Court Clerk rises. 9:54.

IN THE GALLERY, it's clear on Mel's face: the damage is done.

BOZARTH (CONT'D)

I for one would rather see my government err on the side of caring TOO much, of trying TOO hard to help the ladies of this country. Rather than be indifferent to their unique burdens. Now maybe Mr. Moritz disagrees. Or maybe he simply doesn't like paying taxes.

IN THE GALLERY, Moritz looks small. And defeated.

BOZARTH (CONT'D)

Personally, I don't believe that.

AT THE LECTERN, Bozarth knows he has the Judges' attention.

BOZARTH (CONT'D)

I believe Charles Moritz is a victim. Not of his government. But of lawyers who used his case to achieve their own ends...

Ruth looks up at him - finding him staring at her.

BOZARTH (CONT'D)

Radical. Social. Change.

He lets it sink in. Lets his head nod for emphasis.

BOZARTH (CONT'D)

It is respectfully submitted.

9:55. The Clerk is still standing.

An awed silence follows him. Ruth watches as he takes his seat at the APPELLEE'S TABLE. Brown pats him on the back.

AT THE APPELLANT'S TABLE, Martin jots a last note to himself. As Ruth watches Bozarth and Brown. Her mind reeling.

JUDGE HOLLOWAY

Counsel for the appellant. You have four minutes for rebuttal.

Ruth looks up toward the BENCH. And sees where the Judges are looking: all eyes are on Martin. He rises.

She looks across the aisle. At the APPELLEE'S TABLE, like he's still her professor, like she's still some presumptuous student - Brown stares at her over the frames of his glasses.

And she looks back into the GALLERY. Where Mel rocks gently with nervous energy.

Ruth grabs Martin's arm. He looks down at her. An enduring glance, as she tightens her grip and pulls him back down.

IN THE GALLERY, Mel notices Martin and Ruth. He catches Martin's eye. And his stare says it: "*YOU take this.*"

JUDGE HOLLOWAY (O.S.)

Counsel for the appellant?

MARTIN

Kiki.

RUTH

I am Charlie Moritz's lawyer.

Martin considers her... And settles back into his chair.

Leaving her notes behind, Ruth approaches to THE LECTERN. The Judges share a look.

RUTH  
Radical social change.

She chuckles at the idea of it. And looks up to the Judges.

RUTH (CONT'D)  
Where I went to law school... there  
was no women's bathroom.

A murmur of LAUGHTER from the gallery. ON THE BENCH, Doyle appears skeptical.

RUTH (CONT'D)  
It's amazing to me now, but we  
never complained. Not because we  
were timid. We were just astounded  
that we were in law school at all.

AT THE APPELLEE'S TABLE, Bozarth turns away dismissively - toward Brown. Surprised to find him listening intently.

RUTH (CONT'D)  
A hundred years ago, Myra Bradwell  
wanted to be a lawyer. She had  
fulfilled the requirements for the  
Illinois bar, but wasn't allowed to  
practice because she was a woman.  
An injustice she asked the Supreme  
Court to correct. Illinois was so  
confident of victory, they didn't  
even send a lawyer to argue their  
side.

IN THE GALLERY, Mel leans forward. This is a different Ruth.

RUTH (CONT'D)  
And they were right. She lost. That  
was the first time someone went to  
court to challenge his or her  
proscribed gender role. A hundred  
years ago. *Radical* social change?

She clutches the lectern.

RUTH (CONT'D)  
Sixty-five years ago. When women in  
Oregon wanted to work overtime, and  
make more money, as men could. The  
Court looked to the precedent in  
Bradwell. And said no. And then  
there were two precedents.

(MORE)

RUTH (CONT'D)

Then three. Then four. And on. And on. You can draw a direct line from Myra Bradwell to Gwendolyn Hoyt - told ten years ago SHE was not entitled to a jury of HER peers.

She looks the Judges directly - and vehemently - in the eyes.

RUTH (CONT'D)

THAT is the legacy the Government asks you to uphold today. You are being urged to protect the culture and traditions and morality of an America that no longer exists.

For Judge Holloway, it's a sobering thought.

RUTH (CONT'D)

A generation ago, my students would have been arrested for indecency wearing the clothes that they do.

THE GALLERY laughs. Including Kate and Moritz, side-by-side.

RUTH (CONT'D)

Sixty-five years ago, it would have been unimaginable that my daughter would play organized sports. And a hundred years ago. I would not have had the right to stand before you and ask for justice.

She presses her fingers into the lectern for emphasis...

RUTH (CONT'D)

I am not asking you to change the country. That's already happened without any Court's permission. I am asking you to protect the right of the country to change.

She looks to Daugherty.

RUTH (CONT'D)

You're right, Judge Daugherty. Many men are still breadwinners. And many women have fulfilling lives ensconced in the domestic sphere. So many that it may seem natural. But if it is, why do we need laws that coerce them there?

9:58. The Clerk Rises. Ruth considers him.



IN THE GALLERY:

MEL

(to himself)

Get to the remedy. The remedy.

RUTH

There are a hundred and seventy-eight federal laws that discriminate on the basis of sex. Count them. The Government did the favor of collating them for you. And while you're at it, I urge you to read them. They are obstacles to our children's aspirations.

JUDGE DOYLE

You're asking us to overturn nearly a century of precedent.

She looks him dead in the eye. Without hesitation.

RUTH

I'm asking you to set a new precedent. As courts have done before when the law is unjust.

It's in Martin's reaction - that was a good response.

JUDGE DOYLE

But in those cases the courts had a clear constitutional handle.

He turns his attention, addressing his colleagues.

JUDGE DOYLE (CONT'D)

The word 'woman' doesn't appear even once in the U.S. Constitution.

RUTH

Nor does the word 'freedom.' Your honor.

Doyle looks down on her for a long time. And she returns his gaze - unflinchingly. Until he leans back. A slight nod.

RUTH (CONT'D)

Our sons and daughters are barred by law from opportunities based on assumptions about their abilities. How will they ever disprove these assumptions, if laws like Section 214 are allowed to stand?

FROM THE APPELLANT'S TABLE Martin watches the Clerk, watching the clock. 9:59:30.

RUTH (CONT'D)

That is why we must take these laws on. One-by-one. For as long as it takes. For their sakes.

IN THE GALLERY, Kate smiles. Mel is anxious: *C'mon. C'mon.*

RUTH

And you have the power to set the precedent that will get us started. You can right this wrong, by --

The Clerk sits. 10:00.

Ruth watches him. Her jaw clenched. Willing him to stand. As Mel exhales a long, distressing breath.

JUDGE HOLLOWAY

Go on. Professor Ginsburg.

Ruth looks to him. His gentle eyes urging her on avuncularly.

RUTH

The principle purpose of Section 214 is NOT to protect women nor to discriminate against men. It is to provide caregivers the opportunity to work outside the home. Therefore -- as the Supreme Court did in *Levy v Louisiana* -- this court should fix the law in the way most in line with the legislative intent. Extend the deduction to never-married men. Help all caregivers equally.

She should be done. She knows that. But she lets herself linger a moment more. And no one stops her.

RUTH (CONT'D)

Our children and grandchildren will admire Charles Moritz. A man who surpassed the limitations the rest of us - and our laws - have tried to force upon him.

IN THE GALLERY, Moritz's smile is slight. But impactful.

RUTH (CONT'D)

A man well deserving of your good will. It is respectfully submitted.

EXT. 10TH CIRCUIT COURTHOUSE - DAY

Amongst the milling crowd, Bozarth and Brown exit.

BOZARTH

I'd say it's clear we had the stronger legal footing.

BROWN

I've said it time and again, Mr. Bozarth. Justice is a performance.

He eyes Ruth, Martin, Kate and Moritz on the bottom, far side of the stairs...

MORITZ

What happens now?

KATE

They'll issue an opinion in a few months. For now, we wait.

Mel comes running up. Embraces Ruth.

MEL

Kiki! That was perfect! Perfect!

RUTH

We don't even know who won.

MEL

It doesn't matter, Ruth. It was right.

She's moved by the sentiment. As Mel eyes the government lawyers piling into their cars. And gets that playful look.

MEL

(bounding off)  
I'm going to gloat.

MORITZ

Martin. Kate. Thank you.

They shake. Then Moritz and Ruth embrace.

RUTH

I'll be in touch soon.

As he walks off, Kate does as well. And Ruth turns to Martin.

RUTH

How was it? Really.

Hand-in-hand, they head away from the Court House.

MARTIN  
It was... passable.

RUTH  
Passable?!

She turns away in mock irritation. Clearly enjoying the game.

RUTH (CONT'D)  
I don't need your approval anyway!

He stops. And she turns back to find him completely serious.

MARTIN  
You're right. You don't.

She steps closer and kisses him.

EXT. U.S. SUPREME COURT - DAY

Mel steps out of a sedan. Followed in a second vehicle by ALLEN DERR (43), an affable, mousey-looking man in an ill-tailored suit. A horde of REPORTERS rush toward them.

REPORTERS  
Mr. Wulf. Mr. Derr. Just one  
comment, please. (Etc.)

**SUPER:** Two Weeks Later.

Ruth and Martin, climbing the front steps, turn to watch the melee. Share a significant glance. Then continue up.

INT. U.S. SUPREME COURT - COURTROOM - DAY

Ruth and Martin stand in the back row. OBSERVERS between them and the BENCH. As the nine (male) JUSTICES take their seats.

CHIEF JUSTICE BURGER  
Be seated. The first case this  
morning is docket number 70-4, Reed  
v Reed -- on appeal from the  
Supreme Court of Idaho. Counsel for  
the appellant. You may proceed.

He leans back as Derr approaches the lectern. Blocked from Ruth's point of view. She struggles to get a glimpse.

DERR (CONT'D)  
 Allen Derr for the appellant, Your  
 Honors. May it please the Court...

She gives up. And instead settles back into the pew.

DERR (CONT'D)  
 One hundred years ago, Myra  
 Bradwell wanted to be a lawyer...

Off Ruth: Listening to her argument. Her chin raised proudly.

FADE OUT.

**SUPER:** *Moritz v Commissioner* and *Reed v Reed* were the first federal cases to find laws unconstitutional for discriminating on the basis of sex.

**SUPER:** In 1972, the ACLU formed the Women's Rights Project. As Director, Ruth Bader Ginsburg became the leading gender rights lawyer of her generation, arguing several landmark cases before the U.S. Supreme Court.

**SUPER:** Martin Ginsburg became one of America's preeminent tax attorneys and a beloved professor at Georgetown University Law Center.

He died of cancer in 2010, a few days after he and Ruth's fifty-sixth wedding anniversary.

**SUPER:** James Ginsburg is the founder of Cedille Records, a classical music label based out of Chicago.

**SUPER:** Jane Ginsburg is a professor of law at Columbia University.

**SUPER:** On June 14, 1993, President Bill Clinton nominated Ruth Bader Ginsburg to the U.S. Supreme Court.

The Senate confirmed her nomination: 96-3.

EXT. WHITE HOUSE ROSE GARDEN - DAY (NEWS FOOTAGE)

PRESIDENT CLINTON stands to the side. Ruth (60) is at a podium, behind the presidential seal. She wears a blue suit, and that same sun-like pin from her mother's photograph.

RUTH

The announcement the President just made is significant, I believe, because it contributes to the end of the days when women, at least half the talent pool in our society, appear in high places only as one-at-a-time performers...

INT. U.S. SUPREME COURT - PRESENT DAY

All in the courtroom rise. As Ruth Bader Ginsburg and the other modern-day JUSTICES enter behind their raised bench.

MARSHAL OF THE COURT

Oyez! Oyez! Oyez! All persons having business before the Honorable Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!

RUTH (V.O.)

I am indebted to so many for this extraordinary chance and challenge. Most closely, I have been aided by my life partner, Martin D. Ginsburg, who has been, since our teenage years, my best friend and biggest booster...

EXT. WHITE HOUSE ROSE GARDEN - DAY (NEWS FOOTAGE)

Back to Ruth. Finishing her speech.

RUTH

I have a last thank you. It is to my mother, Celia...Bader, the bravest and strongest person I have known. Who was taken from me much too soon. I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons.

FADE TO BLACK.